

HEARING ON THE NOMINATIONS OF MARY
BRIDGET NEUMAYR TO BE A MEMBER OF
THE COUNCIL ON ENVIRONMENTAL QUALITY
AND JOHN C. FLEMING TO BE ASSISTANT
SECRETARY OF COMMERCE FOR ECONOMIC
DEVELOPMENT

HEARING
BEFORE THE
COMMITTEE ON
ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE
ONE HUNDRED FIFTEENTH CONGRESS
SECOND SESSION

JULY 19, 2018

Printed for the use of the Committee on Environment and Public Works



U.S. GOVERNMENT PUBLISHING OFFICE

31-547 PDF

WASHINGTON : 2018

Available via the World Wide Web: <http://www.govinfo.gov>

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

ONE HUNDRED FIFTEENTH CONGRESS
SECOND SESSION

JOHN BARRASSO, Wyoming, *Chairman*

JAMES M. INHOFE, Oklahoma	THOMAS R. CARPER, Delaware
SHELLEY MOORE CAPITO, West Virginia	BENJAMIN L. CARDIN, Maryland
JOHN BOOZMAN, Arkansas	BERNARD SANDERS, Vermont
ROGER WICKER, Mississippi	SHELDON WHITEHOUSE, Rhode Island
DEB FISCHER, Nebraska	JEFF MERKLEY, Oregon
JERRY MORAN, Kansas	KIRSTEN GILLIBRAND, New York
MIKE ROUNDS, South Dakota	CORY A. BOOKER, New Jersey
JONI ERNST, Iowa	EDWARD J. MARKEY, Massachusetts
DAN SULLIVAN, Alaska	TAMMY DUCKWORTH, Illinois
RICHARD SHELBY, Alabama	CHRIS VAN HOLLEN, Maryland

RICHARD M. RUSSELL, *Majority Staff Director*
MARY FRANCES REPKO, *Minority Staff Director*

C O N T E N T S

Page

JULY 19, 2018

OPENING STATEMENTS

Upton, Hon. Fred, U.S. Representative Senator from the State of Michigan	1
Cassidy, Hon. Bill, U.S. Senator from the State of Louisiana	3
Barrasso, Hon. John, U.S. Senator from the State of Wyoming	3
Carper, Hon. Thomas R., U.S. Senator from the State of Delaware	5

WITNESSES

Neumayr, Mary Bridget, Nominated to be a Member of the Council on Environmental Quality	7
Prepared statement	10
Responses to additional questions from:	
Senator Barrasso	12
Senator Carper	15
Senator Capito	33
Senator Duckworth	34
Senator Markey	36
Senator Merkley	38
Senator Whitehouse	40
Fleming, John C., Nominated to be Assistant Secretary of Commerce for Economic Development, Department of Commerce	45
Prepared statement	47
Responses to additional questions from:	
Senator Barrasso	49
Senator Carper	50
Senator Gillibrand	52
Senator Whitehouse	56

ADDITIONAL MATERIAL

Letters of Responce in Support of Nominations	84
---	----

**HEARING ON THE NOMINATIONS OF MARY
BRIDGET NEUMAYR TO BE A MEMBER OF
THE COUNCIL ON ENVIRONMENTAL QUAL-
ITY AND JOHN C. FLEMING TO BE ASSIST-
ANT SECRETARY OF COMMERCE FOR ECO-
NOMIC DEVELOPMENT**

THURSDAY, JULY 19, 2018

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
Washington, DC.

The committee met, pursuant to notice, at 10:05 a.m. in room 406, Dirksen Senate Building, Hon. John Barrasso (chairman of the committee) presiding.

Present: Senators Barrasso, Inhofe, Capito, Boozman, Wicker, Fischer, Rounds, Ernst, Sullivan, Carper, Cardin, Whitehouse, Gillibrand, Booker, Markey, and Van Hollen.

Senator BARRASSO. Before we begin today's hearing, I want to announce that the Acting EPA Administrator, Andrew Wheeler, will come to testify before this committee on August 1. When I spoke with Acting Administrator Wheeler, he told me our committee was first on his list so I am very pleased, Ranking Member, to inform you and everyone here that we will be hearing from him very soon.

Senator CARPER. I am Tom Carper and I approve this message.

Senator BARRASSO. The hearing on August 1 will be an opportunity to learn about the work being done by the agency to protect America's environment and allow our Nation's economy to grow.

I call this hearing to order.

I know the House is going to be voting in the next few minutes, so we will go a little bit out of order. I am going to call on Representative Upton to make an introduction and then I will give my opening statement after that. I will go to Senator Cassidy as well because I know he has additional responsibilities.

**OPENING STATEMENT OF HON. FRED UPTON,
U.S. REPRESENTATIVE FROM THE STATE OF MICHIGAN**

Mr. UPTON. Thank you, Mr. Chairman.

I really appreciate that. We are going to have votes shortly.

I see my tennis partner, Senator Capito, and I always give her a little jab when we are playing. I say where is my phone book? I always thought you had a phone book over here in the Senate.

I am delighted to be here. I am here on a special mission, one I know both sides of the aisle will appreciate.

I have the distinct honor and great pleasure to introduce a really wonderful and distinguished individual, Mary Neumayr, who is sitting right behind me, for consideration of her nomination for the Council on Environmental Quality.

I met her back in 2009 just after she joined the Minority staff of the Energy and Commerce Committee. I later, of course, chaired that committee. At the time, I was working with Ed Markey on what became known as the American Isotopes Protection Act, which we both co-sponsored and lead.

She worked across the aisle with the Majority counterpart, Jeff Baran, now a commissioner of the NRC, to help us successfully move the bill through the committee. We passed it on the House floor 400–17 and it became law 2 years later.

Mary's thoughtful advice helped us write a law that navigated the challenging issues of non-proliferation and public health, ensuring the effective and economical delivery of medical imaging services upon which we know tens of thousands of folks rely daily here in the U.S.

Her grasp of the legal and public health issues and her appreciation of the driving need to prioritize the interests of people who ultimately would benefit from the law demonstrated the qualities that served the committee well throughout my 6 years as Chair and I know will serve the Country well should she be confirmed.

Her exemplary service as a committee counsel, her humble and perceptive demeanor, and her sharp mind certainly reflect the experience of a 20-year legal and government career. The roots of her qualities reflect her loving and vibrant family, which is why this room is so full, and her faith and thoughtful education.

A native of California, she was raised in a family that loved learning, activity outdoors, sports and most importantly, service to others.

After college and law school in California, she practiced for many years at prestigious firms in New York and San Francisco before joining the Department of Justice in 2003.

CEQ performs a critical mission for ensuring the protection of the environment and the pursuit of various policies for the American public. From the testimony of her friends and coworkers over these years, and from my own experience, I know she has demonstrated that she is more than well qualified to serve in the role as Chair of the CEQ.

She has not only proven her abilities as the Chief of Staff and effectively the highest ranking official at CEQ over the last year, she has also proven her qualifications and dedication in public service throughout her several posts in government.

Both Chairman Walden and I have urged you to take into account our direct knowledge of her capabilities as I am positive other members who know her on both sides of the aisle share our view given their experience and with her 8 years as Senior Counsel and then Deputy Chief Counsel for Energy and Environment on the Energy and Commerce Committee.

We all benefited from her knowledge. It ought to be a slam dunk.

I yield back the balance of my time. Thank you for your time today.

Senator BARRASSO. Thank you, Representative Upton. We appreciate your taking time to join us. I know you have to get back to the House so you are excused. We appreciate having you here.

Mr. UPTON. Thank you.

Senator BARRASSO. Senator Cassidy, if it is convenient for you, I would like to invite you to use this time to introduce Dr. Fleming.

**OPENING STATEMENT OF HON. BILL CASSIDY,
U.S. SENATOR FROM THE STATE OF LOUISIANA**

Senator CASSIDY. Thank you for your consideration.

Chairman Barrasso, Ranking Member Carper, and members of the committee, I thank you for the opportunity to introduce my friend and our former congressional colleague, John Fleming.

John has been nominated by the President to serve as the Assistant Secretary of Commerce for Economic Development at the Department of Commerce. John, congratulations. I also recognize your wife, Cindy, who is a wonderful person.

To my Senate colleagues, know that John has dedicated his life to service. After completing under graduate and medical studies at the University of Mississippi, John enlisted in the Navy joining the Medical Corps.

Following military service, John served others as a family practitioner in Minden, Louisiana. He is also a small business owner. He employs over 500 fellow Americans in his various small businesses.

In 2008, John was elected to represent Louisiana's Fourth congressional District, serving four terms. While in Congress, John worked to diversify north and central Louisiana's economy and work force toward a technology-driven, knowledge-based economy.

He coordinated cooperative efforts across government, industry and educational institutions resulting in development of the National Cyber Research Park, home to high tech professionals employed by cyber-related companies, government and institutions of higher education.

He helped develop a comprehensive K-12 cyber curriculum focused on growing the next generation work force which now benefits nearly 3 million students across the United States. He has also helped veterans re-enter civilian life by working to create opportunities to develop skills in various cyber-related career fields.

Since leaving Congress, John has served as the Deputy Assistant Secretary of Health IT Reform at the Department of Health and Human Services. He has now been asked to serve in a new capacity at the Commerce Department.

His accomplishments combined with his background as a policy-maker, business leader, and member of the military make him an excellent choice to help lead the Administration's economic development efforts. I am proud to support him and thank the committee for the opportunity to introduce my fellow Louisianan.

**OPENING STATEMENT OF HON. JOHN BARRASSO,
U.S. SENATOR FROM THE STATE OF WYOMING**

Senator BARRASSO. Thank you so much, Senator Cassidy. I know you have another commitment at this time, so you are excused. I

appreciate your being here to share your wonderful thoughts and recommendations for Dr. Fleming.

Today, we will consider the nominations of Mary Bridget Neumayr to be a member of the Council on Environmental Quality, or the CEQ, and John C. Fleming to be Assistant Secretary of Commerce for Economic Development.

Both nominees are well qualified and will bring a wealth of experience and expertise to these critical roles. I applaud President Trump's nomination of these accomplished and devoted public servants.

The President has nominated Mary Neumayr to be a member of the Council on Environmental Quality. Upon Senate confirmation, President Trump intends to designate her as chairman of the Council.

Congress established CEQ under the National Environmental Policy Act, or NEPA. It is part of the Executive Office of the President. The Council is responsible for overseeing Federal agencies which implement NEPA. CEQ also develops and recommends environmental policies to the President.

Ms. Neumayr is uniquely qualified to serve as Chairman of the CEQ. She currently serves as the Council's Chief of Staff and has already demonstrated leadership in this capacity. She has an extensive background in environmental law.

She previously served as Deputy Chief Counsel of Energy and Environment on the House Energy and Commerce Committee. She has also served as the Deputy General Counsel for Environment and Nuclear Programs at the Department of Energy. She served as Counsel to the Assistant Attorney General for the Environment and Natural Resources Division at the Department of Justice. Prior to her government service, Ms. Neumayr practiced law in the private sector for 14 years.

Earlier this month, a bipartisan group of eight former General Counsels at the Department of Energy and Assistant Attorneys General at the Department of Justice wrote a letter praising Ms. Neumayr's nomination. This group includes three members of the Obama administration and one member of the Clinton administration. Their bipartisan letter states that, "Mary Neumayr is highly qualified to serve as CEQ's Chair. Through her service on Capitol Hill, at the U.S. Department of Energy, the U.S. Department of Justice, and most recently as Chief of Staff at CEQ, she has developed and has exhibited the knowledge and skills to be a highly successful CEQ Chairman.

Moreover, and equally as important, she treats all people and all stakeholders with dignity and respect, and her integrity is absolutely above reproach."

President Trump has also nominated Dr. John Fleming to be Assistant Secretary of Commerce for Economic Development. The Assistant Secretary serves as the Administrator of the Economic Development Administration, the EDA.

EDA provides development assistance to economically distressed portions of the Country. Dr. Fleming is well qualified for this role. Not only is he a former Member of Congress, a military veteran, and a physician, he is also a successful businessman and entrepreneur.

In this capacity, Dr. Fleming has helped launch several companies which today employ over 500 people in Louisiana.

Dr. Fleming's nomination has drawn praise from Don Pierson, Secretary of Louisiana Economic Development, who states, "Dr. Fleming has been instrumental in the development and execution of projects, which have taken root in northwest Louisiana and spread across the United States.

"Dr. Fleming recognized our regional economy was too heavily reliant on oil and gas, agriculture and gaming. As a result, Dr. Fleming set a path toward pivoting our economy and associated work force to a technology-driven, knowledge-based economy.

"His experience in public policy, business and his military background serve as the right attributes for leading economic development efforts."

I look forward to hearing from both Ms. Neumayr and Dr. Fleming as the committee considers their nominations.

I will now turn to Ranking Member Carper for his statement.

**OPENING STATEMENT OF HON. TOM CARPER,
U.S. SENATOR FROM THE STATE OF DELAWARE**

Senator CARPER. Thank you, Mr. Chairman.

Good morning, one and all. Welcome to our nominees, your friends and families. I hope when you address us you will introduce not all of them, there are a lot of them here, but at least some of them. If you do, that will be great.

We have two nominees before us who have been nominated to serve in what I believe, and I think I speak for most of us here, are two very important roles.

I want to say to Mary Neumayr, thank you for spending some time with my staff and me this month. You have been nominated to lead the Council on Environmental Quality which we lovingly call CEQ.

CEQ has a vital role in coordinating the efforts of a number of Federal agencies on cross-cutting and important environmental issues. I mentioned this to my colleagues before and I mentioned it to you, Ms. Neumayr.

Russell Peterson, who had been a top leader in the DuPont Company, a top leader who later became Governor of Delaware, later became head of CEQ under Presidents Nixon and Ford Administrations, later became one of my mentors when I moved to government at the tender age of 26 coming out of the Navy.

He sort of took me under his wing, a Republican Governor, former Governor and a young Democrat. I will always be grateful to him. I called him Governor, and I once said to him, Governor, tell me what the CEQ is all about.

He said some people talk about it almost like an offensive coordinator like on a football team to try to get people on the offense to work together to see who can score some touchdowns. He said, I think of it more as an orchestra leader. You don't play the instruments but you actually direct and try to get everyone to work in harmony together.

I think that is a pretty good analogy. We need some harmony here in this place. Maybe you can help with some of that.

In the last Administration, CEQ led Federal efforts to strengthen our resilience to extreme weather, reduce our emissions of climate change inducing gases, and reform our broken chemical safety laws. The CEQ Chair also plays a critical role in protecting the environment through implementation of the National Environmental Policy Act, or NEPA, which helps Federal agencies make good decisions for our Nation.

Under Ms. Neumayr's acting leadership for the last year or so, CEQ has signaled an intent to make significant revisions to the way NEPA operates. While we should always look for opportunities to improve processes, I like to say if it is not perfect make it better, but we must also be careful not to throw the baby out with the bathwater by undermining critical protections for our communities, the environment and our health.

The nominee to carry on this important work at CEQ must be someone who can build alliances, work with Congress, and determine a path forward that strengthens our economy, while protecting our health and environment.

As I told Ms. Neumayr when we met in my office earlier this month, I am always looking for commonsense solutions that are good for our environment and our economy. I love win-win situations. I think we have a bunch of them here that I will talk a little about but a bunch of them we can actually talk about, we can actually deliver on.

A good example of a commonsense solution is fuel economy and greenhouse gas tailpipe standards for cars and SUVs. The Department of Transportation and the Environmental Protection Administration have the opportunity to create one of those "win-win" situations where automakers and California, and for a lot of States, could both support a deal that provides some near-term flexibility for the auto industry in exchange for longer-term standards, more rigorous fuel efficiency standards beyond 2025, while helping California, and States around the Country, meet their climate goals.

However, a draft of these rules obtained by my office earlier this year shows that the Trump Administration is looking to, in some ways, snatch defeat from the jaws of victory instead of working in an appropriate way to achieve consensus. CEQ can and should help to coordinate a true effort to govern on an environmental issue that does not need to be a polarizing one.

Another example of a commonsense solution is adopting the recent changes to the Montreal Protocol that phase down HFCs, hydrofluorocarbons, a substance used to help cool our homes, our vehicles, and our food. Supporting the phase-down of HFCs allows U.S. companies to capture a large portion of the projected \$1 trillion global market, which is out there and a prize to be seized, which is expected to create some 33,000 jobs in this Country in less than a decade.

The phase down is also a critical action to address the effects of climate change. It is a win-win. U.S. business leaders have told me that if we walk away from this policy now, we will cede our global leadership to countries like China. There is a clear win-win opportunity for businesses and the environment in this instance. This Administration just needs to act and CEQ can help make that happen. Seize the day, *carpe diem*. In Delaware, we say *Carper diem*.

but here it is *carpe diem*. They are the only two words of Latin I know.

Our other witness this morning, John Fleming, joined by Cindy, has been nominated to serve as Assistant Secretary for the Economic Development Administration at the Department of Commerce. From one Navy guy to another, welcome.

As many of our colleagues on this committee know, EDA provides critical infrastructure and economic assistance funding to communities across America. However, the Trump Administration has sought to eliminate EDA and similar economic development programs.

In addition, the nominee himself has voted twice, and we will talk about this later, as a Member of Congress to eliminate funding for EDA. That requires some further discussion. I am sure we will have that here today.

I hope that our nominee can shed some light on those previous votes and what those positions mean today looking to the future. Further, I hope that he has changed his position on those votes and, if confirmed, will protect and advocate for EDA programs and funding that provide much needed assistance to many communities throughout the United States.

My home State of Delaware, not unlike the other States represented here, has been a real beneficiary of some of the EDA funding. We want to make sure we continue to have that kind of cooperation. It has been a great partnership and we value that.

Thanks very much, Mr. Chairman. Thanks to our nominees and to your friends and families who are here. I look forward to the hearing.

Thank you.

Senator BARRASSO. Thank you, Senator Carper.

I would now invite the nominees to please come to the table for testimony. We have both Mary Neumayr, nominated to be a member of the Council on Environmental Quality and John Fleming, nominated to be Assistant Secretary of Commerce for Economic Development.

I would like to remind each of you that your full written testimony will be made a part of the record. I would ask that you try to keep your comments to 5 minutes so that we will have more time for questioning.

We will start with Ms. Neumayr. I would invite you to first introduce any members of your family and then proceed with your testimony.

STATEMENT OF MARY BRIDGET NEUMAYR, NOMINATED TO BE A MEMBER OF THE COUNCIL ON ENVIRONMENTAL QUALITY

Ms. NEUMAYR. Thank you, Chairman Barrasso.

I would like to introduce two members of my family. My youngest sister, Ann Braden, is here visiting from Greensboro, North Carolina. My two nieces, Evelyn and Madeline, are here. Evelyn is almost eight and Madeline is almost five. This is their first visit to the Senate.

Senator BARRASSO. Is that Madeline behind you with the red bow in her hair? Evelyn has a red bow in her hair too. They are looking very sharp. Welcome. We are glad you are here.

Senator CARPER. Who is your favorite aunt?

Ms. NEUMAYR. That is a tough question. They have a few of them.

Senator BARRASSO. Please proceed at your convenience.

Ms. NEUMAYR. Chairman Barrasso, Ranking Member Carper, and members of the committee, thank you for the opportunity to appear before you today as the nominee for the position of member, and if confirmed, Chairman of the Council on Environmental Quality. I am honored that the President has nominated me for this position.

I want to thank Chairman Upton for his kind introduction. I also want to thank my parents, family, friends and current and former colleagues, for all of their support. Finally, I want to thank all of the members of this committee and their staff who took the time to meet with me prior to this hearing.

By way of background, I am a native of California, was born in the San Francisco Bay Area and grew up in the suburbs of Los Angeles. I am the oldest of seven children, and growing up spent most of my free time outdoors, including playing tennis, swimming and other activities.

What I looked forward to the most, however, were family road trips during the summers. On these trips, we visited nearly every State and saw many of our Nation's most spectacular national parks, rivers, mountain ranges, and coastlines. These trips gave me a deep appreciation of the great beauty and diversity of our Country.

I am extremely grateful to be considered for this position. Over the past 15 years, I have had the privilege of working in a variety of roles in the Executive and Legislative branches on matters involving energy and environmental law and policy. In those roles, I have had the opportunity to collaborate and work closely with dedicated career officials from numerous Federal agencies and departments, as well as with members and congressional staff on both sides of the aisle.

Since March 2017, I have served as the Chief of Staff of CEQ. In this role, I have had the pleasure of working with the agency's approximately 30 lawyers, professional staff and detailees.

In my current position, I supervise CEQ's operations and activities, including its core responsibility of overseeing the implementation of the National Environmental Policy Act by Federal agencies. I also supervise the Office of Federal Sustainability which supports energy and environmental performance across the Federal Government.

The National Environmental Policy Act, which established CEQ in 1970, was the first major environmental law in the United States, and is often called the Magna Carta of Federal environmental laws. The Act states that it is the policy of the Federal Government to create and maintain the conditions under which man and nature can exist in "productive harmony" for the benefit of present and future generations of Americans.

If confirmed, I commit to working every day to advance this policy for communities across the Country and to promote effective environmental protection.

Under the leadership of President Trump, we have a unique opportunity to improve the governmentwide implementation of NEPA, and to make government processes and decisionmaking under this and related statutes more timely, efficient and effective for the American people.

I believe that timely and efficient processes for environmental reviews and related permitting decisions under NEPA are critical to growing our economy, creating jobs and achieving environmental protection. This includes projects to modernize our Nation's infrastructure as well as environmental restoration and other environmentally beneficial projects.

If confirmed, my highest priority will be to advance the practical, efficient and effective implementation of NEPA, as well as our Nation's other environmental laws, and to promote environmental protection consistent with congressional directives. To this end, last August President Trump issued Executive Order 13807 which directs Federal agencies to conduct more timely, coordinated and efficient environmental reviews and permitting processes for major infrastructure projects.

Under this order, CEQ has worked with the Office of Management and Budget and Federal agencies to put in place a framework to implement a "One Federal Decision" policy. In addition, CEQ is currently undertaking other actions, including review of its NEPA regulations and guidance, in order to enhance and modernize the Federal environmental review and authorization process under NEPA and related statutes.

Mr. Chairman, Ranking Member Carper, and members of the committee, thank you again for the opportunity to appear before you. I would be happy to answer any questions, and I look forward to working with this committee, as well as your colleagues in both the Senate and the House, should I have the honor of being confirmed.

[The prepared statement of Ms. Neumayr follows:]

Statement of Mary B. Neumayr
Nominated to be a Member of the Council on Environmental Quality
Before the U.S. Senate Committee on Environment and Public Works
July 19, 2018

Chairman Barrasso, Ranking Member Carper, and Members of the Committee, thank you for the opportunity to appear before you today as the nominee for the position of Member, and if confirmed, Chairman of the Council on Environmental Quality. I am honored that the President has nominated me for this position.

By way of background, I am a native of California, was born in the San Francisco Bay Area and grew up in the suburbs of Los Angeles. I am the oldest of seven children, and growing up spent most of my free time outdoors, including playing tennis, swimming and other activities. What I looked forward to the most, however, were family road trips during the summers. On these trips we visited nearly every state and saw many of our nation's most spectacular national parks, rivers, mountain ranges, and coastlines. These trips gave me a deep appreciation of the great beauty and diversity of our country.

I am extremely grateful to be considered for this position. Over the past 15 years, I have had the privilege of working in a variety of roles in the executive and legislative branches on matters involving energy and environmental law and policy. In those roles, I have had the opportunity to collaborate and work closely with dedicated career officials from numerous Federal agencies and departments, as well as with Members and Congressional staff on both sides of the aisle.

Since March of 2017, I have served as the Chief of Staff of CEQ. In this role, I have had the pleasure of working with the agency's approximately 30 lawyers, professional staff and detailees. In my current position, I supervise CEQ's operations and activities, including its core responsibility of overseeing the implementation of the National Environmental Policy Act by Federal agencies. I also supervise the Office of Federal Sustainability which supports energy and environmental performance across the Federal government.

The National Environmental Policy Act which established CEQ in 1970 was the first major environmental law in the United States, and is often called the "Magna Carta" of Federal

environmental laws. The Act states that it is the policy of the Federal Government to create and maintain the conditions under which man and nature can exist in “productive harmony” for the benefit of present and future generations of Americans. If confirmed, I commit to working every day to advance this policy for communities across the country and to promote effective environmental protection.

Under the leadership of President Trump, we have a unique opportunity to improve the government-wide implementation of NEPA, and to make government processes and decision-making under this and related statutes more timely, efficient and effective for the American people. I believe that timely and efficient processes for environmental reviews and related permitting decisions under NEPA are critical to growing our economy, creating jobs and achieving environmental protection. This includes projects to modernize our nation’s infrastructure as well as environmental restoration and other environmentally beneficial projects. If confirmed, my highest priority will be to advance the practical, efficient and effective implementation of NEPA, as well as our nation’s other environmental laws, and to promote environmental protection consistent with Congressional directives.

To this end, last August President Trump issued Executive Order 13807 which directs Federal agencies to conduct more timely, coordinated and efficient environmental reviews and permitting processes for major infrastructure projects. Under this order, CEQ has worked with the Office of Management and Budget and federal agencies to put in place a framework to implement a “One Federal Decision” policy. In addition, CEQ is currently undertaking other actions, including review of its NEPA regulations and guidance, in order to enhance and modernize the Federal environmental review and authorization process under NEPA and related statutes.

Mr. Chairman, Ranking Member Carper, and Members of the Committee, thank you again for the opportunity to appear before you. I would be happy to answer any questions, and I look forward to working with this Committee, as well as your colleagues in both the Senate and the House, should I have the honor of being confirmed.

Senate Committee on Environment and Public Works
Hearing entitled, “Hearing on the Nominations of Mary Bridget Neumayr to be a Member of
the Council on Environmental Quality and John C. Fleming to be Assistant Secretary of
Commerce for Economic Development”
July 19, 2018
Questions for the Record for Mary Bridget Neumayr

Chairman Barrasso:

1. Red tape and a lack of coordination among federal agencies has significantly delayed infrastructure projects across the country. I am glad to see that the Trump administration has taken meaningful steps to improve the environmental review process and increase coordination among federal agencies. I am especially glad to see that the administration set a two-year goal for completing environmental reviews for these projects. Can you give us a progress report on these efforts? Specifically, are federal agencies on track to meet this two-year goal?

Executive Order (EO) 13807 of August 15, 2017, titled “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” directed Federal agencies to carry out environmental reviews and authorization decisions for major infrastructure projects pursuant to a “One Federal Decision” policy. The EO sets a government-wide goal of reducing the average time for such reviews to two years, measured from the date of publication of a notice of intent (NOI) to prepare an environmental impact statement (EIS) to the date of issuance of a record of decision (ROD).

Pursuant to EO 13807, on March 20, 2018, the Office of Management and Budget (OMB) and the Council on Environmental Quality (CEQ) issued a framework memorandum to assist agencies with implementing the One Federal Decision policy. On April 9, 2018, President Trump announced that 11 Federal agencies and the Federal Permitting Improvement Steering Council (Permitting Council) had executed a Memorandum of Understanding (MOU) committing to work collaboratively to meet the two-year goal for major infrastructure projects. Under the EO, “major infrastructure projects” are projects for which multiple Federal authorizations are required, the lead Federal agency has decided to prepare an EIS, and the project sponsor has identified the reasonable availability of funds.

CEQ has convened an interagency working group and is working with Federal agencies to implement the One Federal Decision policy and MOU for major infrastructure projects. Additionally, pursuant to the EO, OMB is currently working to establish an accountability system to track agency performance for processing environmental reviews and meeting the two-year goal.

2. Earlier this year 11 agencies and the Permitting Council established by the FAST Act signed a Memorandum of Understanding (MOU) outlining the Administration's One Federal Decision policy. This policy establishes a coordinated and timely process for environmental reviews of major infrastructure projects. Under the MOU, the federal agencies agreed to work together to develop a single Permitting Timetable.

- a. Can you explain how this will help achieve a timely, predictable permitting process?

Under the MOU, the lead Federal agency for a proposed major infrastructure project, in consultation with cooperating agencies, will develop a joint schedule, referred to as a Permitting Timetable, that provides for a two-year timeframe from the date of publication of an NOI to prepare an EIS to the date of issuance of a ROD. Federal agencies will develop a single EIS and single ROD, subject to limited exceptions. They will also coordinate with regard to scoping and concurrence points, and elevate and resolve issues and disputes to avoid unnecessary delays. The MOU is intended to coordinate agencies' processes while preserving each agency's statutory authorities and independence.

- b. What types of projects do you see as benefitting from the One Federal Decision process with a two-year goal for permitting decisions?

Projects that may benefit from the One Federal Decision process include a wide range of projects to modernize our nation's infrastructure, including transportation, energy, water, and environmental restoration projects.

- c. What is the goal of the One Federal Decision process? How does One Federal Decision seek to address delays in the permitting process?

The goal of the One Federal Decision process is to improve coordination between Federal agencies and provide greater transparency, accountability, and predictability in the Federal environmental review and authorization process for infrastructure projects.

3. On June 20, 2018, CEQ issued an Advanced Notice of Proposed Rulemaking (ANPR) entitled, "Update to the Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act [(NEPA)]." Will you confirm that CEQ, through the ANPR, is considering ways to improve the NEPA process for all applicable federal decision-making, including routine land-management decisions made by the Bureau of Land Management and the U.S. Forest Service?

Yes, in the Advance Notice of Proposed Rulemaking, CEQ is requesting comment on potential revisions to update and clarify its regulations in order to ensure a more effective, timely, and efficient process for decision-making

by all Federal agencies, consistent with the policy stated in Section 101 of the National Environmental Policy Act. This includes land management decisions made by the Bureau of Land Management and the U.S. Forest Service.

Ranking Member Carper:

4. Whistleblower laws protect the right of federal employees to make lawful disclosures to agency management officials, the Inspector General, and the Office of Special Counsel. They also have the right to make disclosures to Congress.

Specifically, 5 U.S.C. § 7211 states that the “right of employees, individually or collectively, to petition Congress or a Member of Congress or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.” Further, 5 U.S.C. § 2302(b)(8), makes it a violation of federal law to retaliate against a whistleblower because of “(A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences- (i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences a violation of any law, rule, or regulation...” In addition, pursuant to 18 U.S.C. § 1505, it is against federal law to interfere with a Congressional inquiry.

- a. If you are confirmed, will you commit to protect the rights of all CEQ career employees to make lawful disclosures, including their right to speak with Congress?

Yes.

- b. Will you commit to communicate employees’ whistleblower rights via email to all CEQ employees within a week of being sworn in?

Yes. The Whistleblower Protection Act of 1989, the Whistleblower Protection Enhancement Act of 2012, and related laws provide the right for all covered employees to make whistleblower disclosures and ensure that employees are protected from whistleblower retaliation. In 2017 and 2018, the Council on Environmental Quality (CEQ) took steps to complete the requirements of the Office of Special Counsel (OSC) Certification Program for Federal agencies to meet their statutory obligations under these statutes. In 2018, CEQ was added to the list of agencies that have completed OSC’s Certification Program.

5. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

Yes.

6. Do you agree with the President's decision in 2017 to withdraw from the Paris Climate Accord? Please explain why or why not.

The President announced his decision on June 1, 2017. This decision was within his authority, and I support the decision.

7. As you know, 96 percent of highway projects are categorically excluded from NEPA, meaning they're in a category of actions that don't significantly impact the environment and therefore don't require further analysis. In fact, the vast majority of all Federal actions are categorically excluded from NEPA. When Wyoming DOT Director Bill Panos testified before our committee last year, he indicated that in recent years, all their projects have been Categorical Exclusions from NEPA. Do you agree that for this vast majority of projects, NEPA approvals do not constitute a significant burden? If not, why not?

Categorical exclusions are a well-established, efficient means of addressing National Environmental Policy Act (NEPA) compliance for actions that are not individually or cumulatively significant.

8. Several court decisions have held that federal agencies are obligated to analyze the effects of climate change as it is relevant to proposed actions in the course of complying with NEPA. (See for example, *Center for Biological Diversity v. National Highway Traffic Safety Administration*, 508 F.3d 508 (9th Cir. 2008), and *Mid States Coalition for Progress v. Surface Transportation Board*, 345 F.3d 520 (8th Cir. 2003).)
- Were those decisions wrongly decided in your view? If so, please explain why.
 - Given that President Trump revoked CEQ's guidance to agencies on how to incorporate climate change impacts into federal environmental reviews, how specifically are you now supporting agencies' efforts to consider climate change as part of their NEPA analyses?
 - In your view, how should greenhouse gas impacts and sea level rise be considered in the NEPA analysis?

There have been a number of court decisions relating to NEPA implementation and greenhouse gas or climate change related considerations, and Federal agencies have sought to comply with these court decisions. As a general matter, Federal agencies are required under NEPA to review the potential environmental consequences of proposed major Federal actions that may significantly affect the quality of the environment. In conducting NEPA analyses, Federal agencies have discretion and should use their experience and expertise to decide how and to what degree to analyze particular effects. Pursuant to CEQ's NEPA implementing regulations, agencies should identify methodologies and ensure information is of high quality, consistent with 40 CFR 1500.1(b) and 40 CFR 1502.24.

9. The CEQ regulations are intended to be flexible so that they may apply broadly to all agency actions. CEQ directs agencies to supplement these regulations as appropriate with agency-specific regulations that encompass the nature of actions taken by that agency and the additional authorities or statutory requirements that agency has. In this way, NEPA may be integrated into an agency's decision-making process in a way that is tailored for that agency. Do you believe that it is appropriate for the CEQ regulations to be flexible in this way to enable NEPA to function as an umbrella to other laws and processes administered by the agency? If not, why not?

Yes.

10. The US Government Accountability Office released a report on July 19, 2018, titled "Highway and Transit Projects: Better Data Needed to Assess Changes in the Duration of Environmental Reviews". The report indicated that it is unclear whether recent changes to the environmental review process for highway and transit projects has had an impact on timelines because agencies "lack reliable data and tracking systems." This is a finding that reiterates findings from past GAO reports, such as a report from 2014 that found that government-wide data on the number and type of NEPA analyses are not readily available, and that agencies' data is poor because they do not routinely track the number of EAs and CEs they complete, nor the time required to complete NEPA reviews. This deficit of accurate and reliable data makes it difficult to determine either the success of past streamlining efforts or the potential benefits of additional streamlining or other changes. There is also very little data on the costs and benefits of completing NEPA analyses. CEQ is the agency tasked with NEPA implementation.

- a. Would you agree that it is important to improve the data quality in this field, and that better data is needed for Congress to be able to target procedural improvements that would speed up project delivery without damaging the environment?

It is important that Congress have access to information that is of high quality, including data relating to environmental reviews, when considering legislative proposals.

- b. Will you further commit to providing an analysis of how the statutory project delivery changes from the last 10 years have been working out? If so, please provide a timeline and description of all planned efforts, and if not, why not?

CEQ is currently in the process of compiling data from 2010 through 2017 relating to completed environmental impact statements (EIS) across all Federal agencies, including transportation-related projects. This compilation will include information on the time for completion of the review, measured from the date of publication of a notice of intent (NOI) to prepare an EIS to the date of issuance of a record of decision (ROD).

11. Over the last several years there have been numerous reports, from non-partisan government entities such as the Government Accountability Office and Congressional Research Service, as well as academia and private studies – all of which indicate that the primary causes of project and permitting delay are not related to the NEPA process. Do you agree with these conclusions? If not, please explain specifically why not, and provide documentation to support your explanation.

Environmental reviews under NEPA are among the many factors that shape the timeline for project and permitting decisions. Recognizing that there can be many reasons for delays, it is important to consider whether there are commonsense measures to promote improved coordination and planning by Federal agencies in order to ensure that the NEPA process is more efficient, timely, and predictable, without compromising environmental protection.

12. Would you agree that agencies need the resources, staff, and training necessary to implement NEPA and the many existing flexibilities in the current regulations?
- In your view, do agencies have sufficient resources necessary to implement NEPA? Please explain your response.
 - In your view, do agencies have sufficient staff necessary to implement NEPA? Please explain your response.
 - In your view, do agencies have sufficient training necessary to implement NEPA? Please explain your response.
 - In your view does CEQ have sufficient staff capacity to oversee the 70 or more Federal agencies that are subject to NEPA? Please explain your response.
 - To the extent that agencies do not have sufficient resources, staff, or training, will you advocate for budget increases that will enable agencies to implement NEPA appropriately?
 - Would you commit to working with agencies in conducting a review of agencies' resources and needs with regard to NEPA compliance to inform any kind of regulatory review process?

I believe Federal agencies have sufficient resources to implement NEPA. CEQ is currently working with agencies to better coordinate their NEPA reviews and more effectively allocate resources, including through the establishment of joint schedules, environmental analyses, and records of decision. CEQ's NEPA implementing regulations set forth in 40 CFR 1507.2 and 1506.5 direct agencies to ensure that they have the capability to implement NEPA.

CEQ's staff conduct periodic training for Federal agency NEPA practitioners. In addition, CEQ coordinates NEPA training with non-profit organizations, including the National Association of Environmental Professionals, Rocky Mountain Mineral Law Foundation, American Law Institute, American Bar Association, and the Environmental Law Institute. CEQ also conducts quarterly NEPA Contacts meetings to consult with staff

across Federal agencies regarding issues relating to implementation of NEPA.

If confirmed, I commit to working to ensure that agencies effectively allocate resources to enable them to implement NEPA appropriately.

13. A few years ago, CEQ issued a guidance document, clarifying to agencies that there are ample flexibilities within the existing NEPA regulations that are available and either underused, or not used at all, and which would facilitate more efficient timely reviews.
 - a. Shouldn't those authorities be both fully implemented and their impacts understood prior to undertaking a proposal to revise the NEPA regulations themselves?
 - b. What flexibilities within the regulations do you think should be better used by agencies?
 - c. Why don't you think the agencies are using these existing flexibilities?

On June 20, 2018, CEQ published an Advance Notice of Proposed Rulemaking (ANPRM) to consider potential updates and clarifications to its NEPA implementing regulations. The ANPRM requests comment on a wide range of topics relating to NEPA implementation in order to facilitate more efficient and timely reviews, and comments received will inform any future action. It is important to consider all relevant CEQ guidance as the agency considers whether revisions to update and clarify its regulations may be appropriate.

14. CEQ is inextricably tied to NEPA, which lays out the nation's environmental policy and enshrines two basic principles, environmental impact review and public input, into federal decisions. The chair of CEQ is meant to implement that policy. Recently, CEQ issued an Advanced Notice of Proposed Rulemaking (ANPRM) announcing an intention to revise the regulations. Have you been involved? If so, how?

CEQ developed the ANPRM and as a staff member I participated in its development. It was subject to interagency review conducted by the Office of Information and Regulatory Affairs (OIRA) pursuant to Executive Order (EO) 12866.

15. The NEPA regulations are one of the most broadly applicable in the federal government, and the statute and regulations often provide the only opportunity for the public to weigh in on government decisions and projects impacting their communities. This process has led in many cases to better projects with community buy-in. When CEQ undertook regulatory reviews in 1978, 1981, 1985, and 1997, it held public meetings to solicit additional input of private citizens and stakeholders, whether for the release of studies, guidance, or regulations.

- a. In response to my letter to you on this topic, you stated that, “Robust public engagement is critical to the rulemaking process.” While I agree with you, will you commit to my specific request that CEQ hold public meetings to solicit additional input of private citizens and stakeholders? If so, please provide a timeline that includes the expected number of public meetings and their expected locations. If not, why not?
- b. Can you commit to holding public meetings around the country and have a process that is commensurate with the scope of this undertaking and that complies with the spirit of public input NEPA embodies? If so, please provide a timeline that includes the expected number of public meetings and their expected locations. If not, why not?
- c. What specific types of additional public outreach will CEQ commit to beyond those required by the rulemaking process to ensure the public has a chance to meaningfully respond?
- d. Have you met with any stakeholders and discussed possible revisions? Who did you meet with and when? Please provide copies of all calendar items for CEQ senior staff and yourself for our review.
- e. What steps are you taking to ensure CEQ is both soliciting input from all groups – especially traditionally marginalized groups – and then incorporating that input into your rulemaking?
- f. What additional steps are you planning, in addition to the minimum legal requirements, to make sure the public has a say in how these regulations are rewritten?

On June 20, 2018, CEQ published an ANPRM to consider potential updates and clarifications to its NEPA implementing regulations. CEQ staff developed the ANPRM and it was subject to interagency review conducted by OIRA pursuant to EO 12866. The ANPRM requests comments on a wide range of topics relating to CEQ’s regulations, and does not include any regulatory proposals. As part of the interagency review process, CEQ staff met with various stakeholders.

CEQ supports transparency in the rulemaking process and earlier this year integrated its system with [regulations.gov](https://www.regulations.gov) in order to ensure that all comments submitted would be publically available, and that the public would have access to information relating to prior CEQ actions. In response to requests from the public, CEQ also extended the comment period for the ANPRM from July 20, 2018, to August 20, 2018, and will be accepting comments submitted to [regulations.gov](https://www.regulations.gov) as well as comments by regular mail. CEQ has also posted the ANPRM on its website at <https://ceq.doc.gov/laws-regulations/regulations.html>. As of July 27, 2018, CEQ has received over one thousand comments.

CEQ has not made any decision with regard to future actions, and will consider comments received in response to the ANPRM. Should CEQ determine that it would be appropriate to issue a proposed rule setting forth

potential revisions to its NEPA regulations, CEQ will consider all options for public engagement, including public meetings. CEQ will also ensure that comments received are posted on [regulations.gov](https://www.regulations.gov) so that stakeholders and the public will have timely access to all comments received.

16. You previously indicated in 2012 that you were concerned with the speed with which new regulations were being promulgated.¹ You stated, “I think one of the major concerns is the pace at which they’re issuing these regulations. They’re very lengthy, they’re very complex. Each rule may have effects relating to other rules. The pace at which they’re being issued is a genuine concern, because the staff at the Agency is under pressure and the public is under pressure to read all of these rules, to analyze them, and to prepare their comments.” In response to an audience question about what kind of time frame you would desire for the formulation and implementation of environmental regulations, you further stated that to “issue rules before you fully analyzed what the actual impact may be is an approach that raises concern.” Do you still agree with these statements?

Yes.

17. NEPA is the primary way in which the federal government implements EO 12898 (“Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”) because NEPA is closely aligned with the principles of environmental justice. NEPA ensures that the environmental, health, and economic impacts of federal projects are disclosed and communities impacted by federal projects are given a meaningful voice.
- a. If confirmed as Chair, what specific actions would you take to increase meaningful public input, transparency, and disclosure of disproportionate impacts?
 - b. It is widely known that the impacts of climate change will disproportionately impact low-income communities and communities of color. If confirmed as chair, will you commit to disclosing the impacts of climate change on such communities in NEPA analyses? If not, why not?

In 1994, President Clinton issued EO 12898, titled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” which directed Federal agencies to address disproportionately high and adverse human health or environmental effects on minority and low income communities. CEQ issued related guidance in 1997, and CEQ participates in the Federal interagency working group led by the Environmental Protection Agency (EPA) which addresses environmental justice issues. In March 2016, the working group issued a document titled “Promising Practices for EJ Methodologies in NEPA Reviews” which CEQ has posted on its website and is available at <https://ceq.doc.gov/nepa-practice/justice.html>. In addition, on February 23, 2018, EPA issued a

¹ 42 ELR 10191 (March 2012), “EPA and the Economy: Seeing Green?” available at: <https://elr.info/news-analysis/42/10191/epa-and-economy-seeing-green>.

memorandum affirming EPA's commitment to the implementation of the 1994 EO. If confirmed, I commit that addressing environmental issues for low income and minority communities will be a priority, including actions under NEPA to facilitate the development of new or improved infrastructure in these communities.

18. Were you involved with developing the Administration's Infrastructure Plan? If yes, were you involved with the proposal and the permitting provisions? If yes, to what extent?

The Administration's "Legislative Outline for Rebuilding Infrastructure in America" (Legislative Principles) released in February 2018 was developed pursuant to a deliberative interagency process that included multiple components within the Executive Office of the President, including CEQ, and also included relevant Federal agencies. The Legislative Principles were intended to inform Congress' consideration and development of infrastructure-related legislative proposals.

19. The Administration's Infrastructure Plan proposed to limit injunctive relief, even though it is already considered an extraordinary remedy. With regard to NEPA, can you identify and list any cases in which a court abused its power to authorize injunctive relief? If not, can you explain what the problem is with allowing impacted communities to obtain injunctive relief against the government?

Over the past four decades, Federal appellate courts have on a number of occasions reversed NEPA related decisions by lower courts to grant injunctive relief. This has included the U.S. Supreme Court, as well as Federal appellate courts, concluding that injunctive relief was inappropriate.

20. The Administration's Infrastructure Plan proposes to eliminate EPA review responsibilities under Section 309 of the Clean Air Act. It is well documented² that the 309 process adds value to lead agency analysis and an ultimate decision. Do you agree? If not, why do you believe that EPA shouldn't have an oversight role? If so, would you urge retention of this provision?

As stated in the Legislative Principles, separate from its authority under Section 309 of the Clean Air Act, EPA currently has responsibility to review and comment on EISs on matters within its jurisdiction. EPA typically is included as a cooperating agency for areas within its technical expertise, and the review under Section 309 is separate and in addition to this existing responsibility for matters within its jurisdiction. This proposal, as stated in the Legislative Principles, would not eliminate EPA's regulatory responsibilities to comment during the development of EISs on matters within EPA's jurisdiction or affect EPA's responsibilities to collect and publish EISs. As stated in the Legislative

² <https://www.epa.gov/office-inspector-general/report-epas-comments-improve-environmental-impact-statement-process>

Principles, it also would not prevent EPA from providing technical assistance to the lead or a cooperating agency upon request.

21. At the roundtable on the FAST Act on June 27, several members of the Senate and your staff, citing CEQ, said that FAST-41 has saved a billion dollars. I have seen no documentation to substantiate that assertion. Can you present documentation supporting that assertion?

Facilitating coordinated environmental reviews and authorization decisions can result in cost savings. In her testimony, the Acting Executive Director of the Federal Permitting Improvement Steering Council (Permitting Council) stated that the Permitting Council has “succeeded in saving FAST-41 projects over \$1 billion in costs that would have otherwise resulted from avoidable permitting process delays.” My understanding is that this estimate is based on information provided to the Permitting Council by project sponsors.

22. Recent guidance issued by the Bureau of Land Management ([BLM Instruction Memorandum 2018-034](#)) has not only removed the requirement for environmental review prior to issuing oil and gas leases but has also removed the requirement to provide an opportunity for public review and comment and shortened the time for filing an administrative protest (now the only way for the public to provide input on millions of acres put up for lease every quarter) to just 10 days.

- a. How is this consistent with NEPA’s direction to ensure that government decisions are subject to public scrutiny?
- b. How would you recommend agencies provide sufficient opportunities for public input prior to making final decisions to turn public lands over to third parties?

Public participation is very important and Federal agencies can comply through a range of approaches. If confirmed, I will work with agencies to ensure their compliance with applicable law and regulations.

23. As you may be aware, EO 13792 directed the Department of the Interior to review national monument designations and create a report of recommendations to the President via the Chair of CEQ. During the review, a historic number of comments were received by DOI. Despite this, DOI never publicly acknowledged the total breakdown of comments, although interior DOI documents made available via FOIA show that over 99 percent of all comments opposed changes to national monument designations. Even worse, the documents indicate that DOI staff omitted these figures from their report and recommendations.³ Instead, the report disparaged the comments by claiming that they “demonstrated a well-orchestrated national campaign organized by multiple organizations.” The President went on to take unprecedented and likely illegal actions to eliminate over two million acres of Bears Ears and Grand Staircase-Escalante National

³ Final Report Summarizing Findings of the Review of Designations Under the Antiquities Act, available at: https://www.doi.gov/sites/doi.gov/files/uploads/revised_final_report.pdf.

Monuments – the largest rollback of public lands protections in history – based in part on incomplete and misleading information.

- a. In your capacity as Chief of Staff at CEQ, did you see a draft of the DOI report before it was transmitted to the President, and were you aware that the vast majority of comments were in opposition to the recommendations, a fact which was not made evident in the report? If not, when did you become aware of this?
- b. As Chair of CEQ do you think it is appropriate for an agency to obscure the true breakdown of public sentiment from the decision makers and public, and to make recommendations that contradict the vast majority of public comments received?
- c. Do you think it is appropriate that DOI would make recommendations to the President without making him aware that 99% of respondents to the proposal opposed those recommendations?

The final report issued by the Department of the Interior (DOI) in response to EO 13792, titled “Review of Designations Under the Antiquities Act,” was reviewed pursuant to a deliberative interagency process that included multiple components within the Executive Office of the President, including CEQ. In the final report sent to the President on December 5, 2017, the DOI described the nature and volume of the public comments received. It is important to include stakeholder input in the development of policies and recommendations.

24. NEPA is a short statute and the NEPA guidance has been key to implementing that law. Major rewrites have been time consuming because of the varied interests and types of projects that are subject to these regulations. Since CEQ’s budget has been significantly reduced over the past years, the agency has had to rely more and more on detailees.

- a. Will the use of detailees be necessary to redo these regulations?
- b. If so, would you provide the Committee with a list of the present and future expected detailees, their NEPA experience, the agencies they are from, what their primary role(s) in rewriting the NEPA regulations is/are expected to be, and what is happening to their agency portfolio while at CEQ?

On June 20, 2018, CEQ published an ANPRM to consider potential updates and clarifications to its NEPA implementing regulations. CEQ will review comments on the ANPRM, and these comments will inform any future action including whether to pursue any proposed revisions to the CEQ regulations. Should CEQ determine that it would be appropriate to issue a proposed rule setting forth potential revisions to its NEPA regulations, CEQ will work with relevant federal agencies to develop the proposal.

25. As you know, one of CEQ’s statutory responsibilities is to analyze conditions and trends in environmental quality [specifically, “to gather timely and authoritative information concerning the conditions and trends in the quality of the environment both current and prospective, to analyze and interpret such information for the purpose of determining

whether such conditions and trends are interfering, or are likely to interfere, with the achievement of the policy set forth in title I of this Act, and to compile and submit to the President studies relating to such conditions and trends;" 42 U.S.C. § 4344(2)]. Can you describe how CEQ would carry out that responsibility under your leadership?

As issues arise, I will consult with relevant Federal agencies on environmental matters within their expertise. Additionally, 42 U.S.C. 4345 authorizes CEQ to utilize the services, facilities, and information of public and private agencies and organizations that have developed information on particular environmental issues.

26. As you may know, American Indians and Alaska Natives share a unique relationship with the federal government. As part of that relationship, the federal government has a duty to perform meaningful consultation with Indian Tribes and Alaska Native villages regarding issues that affect tribal communities and tribal members. Do you commit to engage in essential and honest consultation with tribes and tribal governments?

Yes.

27. Please define the Council on Environmental Quality (CEQ)'s mission and the role you believe that sound science plays in fulfilling that mission.

CEQ's mission includes overseeing implementation of NEPA by Federal agencies. In addition, CEQ also provides recommendations to the President and coordinates with Federal agencies regarding environmental policy matters. In carrying out its mission, CEQ should be informed by sound science.

28. Do you think the U.S. National Academy of Sciences is a reliable authority on scientific matters? If not, why not?

Yes.

29. If confirmed, how do you plan to maintain a relationship with the White House Office of Science and Technology Policy (OSTP)?

CEQ works closely with OSTP on a variety of matters including as Co-Chairs of the Ocean Policy Committee, established under EO 13840, titled "Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States." If confirmed, I look forward to continuing to work closely with OSTP.

30. NOAA reported this year that extreme weather events costing \$1 billion or more have doubled on average in frequency over the past decade – costing this country \$425 billion in the last five years. With a little extra planning – combined with prudent, targeted investments – the federal government can help save lives, livelihoods and

taxpayer dollars. On March 28, 2017 through Executive Order 13783, President Trump rescinded Executive Order 13653, *Preparing the United States for the Impacts of Climate Change*, which provided tools for American communities to “strengthen their resilience to extreme weather and prepare for other impacts of climate change.” Included in the revoked Executive Order were provisions that made it easier for communities hit by extreme weather events to rebuild smarter and stronger to withstand future events, including rebuilding roads and infrastructure to be more climate-resilient, and investing in projects that better protect communities from flooding and their drinking water from contamination.

- a. What role, if any, did you or your staff have in contributing to the decision-making process that led to Executive Order 13783, in particular language that rescinded the Executive Order 13653? Please explain in detail.

EO 13783, titled “Promoting Energy Independence and Economic Growth,” was developed pursuant to a deliberative interagency process that included multiple components within the Executive Office of the President, including CEQ, as well as relevant Federal agencies.

- b. In light of the extreme weather damages observed since March 28, 2017, would you support the reinstatement of federal guidance and tools for American communities to “strengthen their resilience to extreme weather and prepare for other impacts of climate change?” If not, why not?

Extreme weather events highlight the importance of modern, resilient infrastructure. I support efforts to pursue technology and innovation, the development of modern, resilient infrastructure, and environmentally beneficial projects, including restoration projects, to address future risks, including climate related risks. I also support efforts to improve weather data, forecasting, modeling and computing in order to prepare for and respond to extreme weather events.

- c. President Trump also rescinded CEQ’s issued guidance to federal agencies requiring the consideration of greenhouse gasses and climate change effects when evaluating potential impacts of a federal action under NEPA. What role, if any, did you or your staff have in contributing to the drafting of language that rescinded this guidance?

EO 13783 directed CEQ to rescind this guidance. Pursuant EO 13783, CEQ published a notice of withdrawal of the guidance on April 5, 2017 at 82 FR 16576.

- d. Should the federal government consider the social costs of carbon in federal actions? If not, why not?

NEPA and CEQ's NEPA implementing regulations do not require agencies to monetize the costs and benefits of a proposed action. CEQ's regulations at 40 CFR 1502.23 provide that agencies need not weigh the merits and drawbacks of particular alternatives in a monetary cost-benefit analysis, and that such analysis should not be used when there are important qualitative considerations. Social cost of carbon (SCC) estimates were developed for rulemaking purposes to assist agencies in evaluating the costs and benefits of regulatory actions, and were not intended for project level reviews under NEPA.

To the extent that SCC estimates are used for rulemaking purposes, EO 13783 directs Federal agencies to be consistent with the guidance contained in the Office of Management and Budget (OMB) Circular A-4 of September 17, 2003. This guidance addresses consideration of domestic versus global impacts as well as appropriate discount rates, and specifically directs agencies to consider the domestic costs and benefits of rulemakings.

31. Two weeks prior to Hurricane Harvey devastated vast portions of Texas, Executive Order 13807 on "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure" went so far as to repeal the Federal Floodplain Risk Management Standard (FFRMS), which would have held new infrastructure projects to more resilient standards. The FFRMS guidance provided three flexible options for meeting the standard in flood hazard areas: (1) build standard infrastructure, such as federally funded housing and roads, two feet above the 100-year flood standard and elevate critical infrastructure, like hospitals and fire departments, by three feet; (2) elevate infrastructure to the 500 year flood standard; or (3) simply use data and methods informed by the best-available, actionable climate science. In short, the FFRMS was meant to protect taxpayer dollars spent on projects in areas prone to flooding, not to mention the human toll of such events. That is a common-sense approach given that in just the past five years, all 50 states have experienced flood damage.
 - a. What role, if any, did you or your staff have in contributing to the decision-making process that led to Executive Order 13807, in particular language that rescinded the FFRMS? Please explain in detail.
 - b. In light of the hurricane-related damage observed last season and the extreme weather events this country has seen this year, would you support the reinstatement of the FFRMS? If not, why not, and how would you suggest resiliency be factored into the infrastructure project design and approval process?
 - c. Do you agree that infrastructure projects that do not account for flooding hazards in the manner(s) prescribed by the FFRMS would be more likely to suffer flood damage over the lifetime of the infrastructure? Would such damage be likely to result in additional costs to repair? If not, why not?
 - d. Do you view the repeal of the FFRMS as a national security threat, given the security threat that rising sea levels could pose to military bases? If not, why not?

EO 13807, titled “Establishing Discipline and Accountability in Environmental Review and Permitting Process for Infrastructure Projects,” was developed pursuant to a deliberative interagency process that included multiple components within the Executive Office of the President, including CEQ, as well as relevant Federal agencies. Agencies are currently implementing EO 11988, titled “Floodplain Management,” which was published on May 24, 1977, 42 FR 26951. I support efforts to prepare and plan for extreme weather events, including through the development of modern, resilient infrastructure to address such events.

32. In Executive Order 13834, President Trump also revoked Executive Order 13693, *Planning for Federal Sustainability in the Next Decade*, which stated that “each agency shall prioritize actions that reduce waste, cut costs, enhance the resilience of Federal infrastructure and operations, and enable more effective accomplishments of its mission.” This includes a goal of cutting the federal government’s greenhouse gas emissions by forty percent over ten years.

- a. What role, if any, did you or your staff have in contributing to the decision-making process that led to revoking Executive Order 13693? Please explain in detail.

EO 13834, titled “Efficient Federal Operations,” was developed pursuant to a deliberative interagency process that included multiple components within the Executive Office of the President, including CEQ, as well as relevant Federal agencies. The EO reflects this Administration’s priorities to protect the environment, promote efficient management, and save taxpayer dollars.

- b. EO 13693 provided a commitment and plan for Federal agencies to meet certain statutory requirements related to energy and environmental performance of Federal facilities, vehicles, and operations. Are there requirements under Executive Order 13834 that currently are not being met? If so, please list them.

EO 13834 provides agencies with greater discretion and flexibility to comply with statutory requirements. These statutory requirements are listed on CEQ’s website at [sustainability.gov](https://www.sustainability.gov). CEQ plans to provide consolidated data and information relating to Federal agency performance on this website in the near future.

- c. Will you commit to ensure each of these statutory requirements are being satisfied?

I commit to working with Federal agencies to meet their statutory requirements and to continue to make progress going forward. In implementing the EO, CEQ plans to work with OMB to monitor agency implementation and track performance.

- d. Will you commit to further review of Executive Order 13693 and discussion with my staff to determine if there are specific actions to be reinstated that could reduce waste, cut costs, or enhance the resilience of Federal infrastructure and operations?

I commit to working with Congress, including your staff, to identify opportunities to further drive and promote efficiency across the Federal government.

33. Please list all Clean Air Act regulations that were promulgated by the Obama Administration – not a voluntary or grant program – that you support and why?

I support regulations promulgated under the Clean Air Act that are consistent with the EPA's statutory authorities.

34. Are there any other EPA regulations – not a voluntary or grant program – that are on the books today that you support? If so, please list them.

I support EPA regulations that are consistent with the agency's statutory authorities.

35. Delaware is already seeing the adverse effects of climate change with sea level rise, ocean acidification, and stronger storms. While all states will be harmed by climate change, the adverse effects will vary by state and region. Can you comment on why it is imperative that we have national standards for the reduction in carbon pollution? If you do not believe it is imperative, why not?

To address climate change related concerns, I believe it is important to pursue technology and innovation to adapt to a changing climate, consistent with Congressional directives. This includes current efforts pursuant to the Weather Research and Forecasting Innovation Act to improve weather data, modeling, computing, forecasting, and warnings. In addition, it is important to pursue continued research to improve our understanding of the climate system. Further, it is important to pursue a strong economy which allows us to develop modern, resilient infrastructure to address future risks, including climate related risks.

36. In December 2007, President Bush's EPA proposed to declare greenhouse gases as a danger to public welfare through a draft Endangerment Finding, stating, "The Administrator proposes to find that the air pollution of elevated levels of greenhouse gas (GHG) concentrations may reasonably be anticipated to endanger public welfare...Carbon dioxide is the most important GHG (greenhouse gas) directly emitted by human activities, and is the most significant driver of climate change."⁴ Do you agree with these statements, if not, why not?

⁴https://insideclimatenews.org/sites/default/files/2007_Draft_Proposed_Endangerment_Finding.pdf

I believe that the climate is changing and that human activity has a role.

37. In a *per curiam* opinion, the U.S. Circuit Court of Appeals for the District of Columbia affirmed the Endangerment Finding and the U.S. Supreme Court declined to issue a writ of certiorari on the D.C. Circuit's decision. The Endangerment Finding set in motion EPA's legal obligations to set greenhouse gas emissions standards for mobile and stationary sources, including those established by the Clean Power Plan in August 2015.⁵ Do you agree with the courts that EPA has an obligation to address CO₂? If not, why not?

The Endangerment Finding was issued in 2009 and upheld by the D.C. Circuit in 2012. Any reconsideration of the Endangerment Finding by the EPA would be subject to the Administrative Procedure Act.

38. Do you agree with President Trump's decision to withdraw the United States from the International Paris Climate Accord? If so, please explain.

The President announced this decision on June 1, 2017. The decision was within his authority and I support the decision.

39. For the most part, patients and their families only participate in scientific trials and studies once they know their privacy - and any resulting health-related information - will remain confidential and secure. If confirmed, do you commit to respecting confidentiality agreements that exist between researchers and their subjects? Will you protect the health information of the thousands of people that have participated in health studies in the past?

Yes, it is important to respect confidentiality agreements between researchers and their subjects, and to protect the health information of people who participate in health studies.

40. On April 17, 2012, Dr. Jerome Paulson, Chair, Council on Environmental Health, American Academy of Pediatrics, testified before the EPW Committee, stating, "Methyl mercury causes localized death of nerve cells and destruction of other cells in the developing brain of an infant or fetus. It interferes with the movement of brain cells and the eventual organization of the brain...The damage it [methylmercury] causes to an individual's health and development is permanent and irreversible. ...There is no evidence demonstrating a "safe" level of mercury exposure, or a blood mercury concentration below which adverse effects on cognition are not seen. Minimizing mercury exposure is essential to optimal child health."⁶

- a. Do you agree with the American Academy of Pediatrics' finding on the

⁵ <https://www.epa.gov/climatechange/us-court-appeals-dc-circuit-upholds-epas-action-reduce-greenhouse-gases-under-clean>

⁶ https://www.epw.senate.gov/public/?_cache/files/4/3/4324fd62-dc89-4820-bd93-ff3714fcb30/G1AFD79733D7FE24A71EEF9DAFCCB056.41712hearingwitness testimony paulson.pdf

importance of minimizing mercury exposures for child health? If not, please cite the scientific studies that support your disagreement.

It is important to minimize the exposure to methylmercury, especially for children, consistent with the laws established by Congress.

- b. Do you agree the record supports EPA's findings that mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants emitted from uncontrolled power plants pose public health hazards? If not, why not?

EPA published the "National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units and Standards of Performance for Fossil-Fuel-Fired Electric Utility, Industrial-Commercial-Institutional, and Small Industrial-Commercial-Institutional Steam Generating Units," (referred to as the Mercury and Air Toxics Standards (MATS) Rule) on February 16, 2012, based on a record that found mercury, non-mercury hazardous air pollutant metals, and acid gas hazardous air pollutants from uncontrolled power plants pose public health hazards.

- c. Do you agree it is currently difficult, or impossible, to monetize the reduced risk of human health and ecological benefits from reducing mercury emissions from power plants? If so, please explain. If not, why not?

EPA monetized the benefits from reductions in mercury exposure in the MATS Rule based on analysis of health effects due to recreational freshwater fish consumption. EPA also identified unquantified impacts for both benefits and costs related to the MATS Rule.

- d. Do you agree that EPA's recent consideration of the costs of the Mercury and Air Toxics Rule shows that the agency has met the "necessary and appropriate" criteria Congress provided under 112(n) to direct the EPA to regulate power plant mercury (and other air toxic) emissions under Section 112, and more specifically under Section 112(d)? If not, why not?

On June 29, 2015, the U.S. Supreme Court in *Michigan v. EPA* remanded the MATS Rule based on the agency's failure to consider costs when making its finding that the regulation was appropriate and necessary under Section 112(n) of the Clean Air Act. EPA announced in its Spring 2018 Regulatory Agenda that the agency is planning to propose a rule titled "Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review." EPA also stated in the Spring 2018 Regulatory Agenda that, in its April 2017 court filing, the agency requested that oral argument for the MATS litigation be continued to allow the current Administration adequate time to review the Supplemental Cost Finding, and to determine whether it will be

reconsidered. That reconsideration is currently under review by EPA.

41. What, if any, are the casual connections between hydraulic fracturing and environmental problems such as contamination of drinking water and emissions of air pollution and greenhouse gasses?

With respect to drinking water, EPA published a study in December 2016, titled “Hydraulic Fracturing for Oil and Gas: Impacts from the Hydraulic Fracturing Water Cycle on Drinking Water Resources in the United States.” This study assessed the potential for activities in the hydraulic fracturing water cycle to impact the quality or quantity of drinking water resources and to identify factors that affect the frequency or severity of those impacts. The study found that under some circumstances the hydraulic fracturing water cycle can impact drinking water resources, and that, “impacts can range in frequency and severity, depending on the combination of hydraulic fracturing water cycle activities and local- and regional-scale factors.”

With respect to air emissions associated with hydraulic fracturing, EPA has established standards under the Clean Air Act. In particular, on August 16, 2012, EPA published standards for the oil and gas sector that established control measures to limit the emission of volatile organic compounds (VOCs) as well as other air pollutants. For the 2012 rule, EPA estimated that control measures for VOCs would reduce methane emissions annually by 1 million to 1.7 million short tons as a co-benefit.

Senator Capito:

42. Mineral mining is a significant industry with obvious economic and other benefits to West Virginia and the nation. Typical projects employ numerous skilled miners and more in ancillary industries, and require huge investments that would benefit from prompt and firm regulatory decisions. The Federal Permitting Improvement Steering Council (FPISC), established under Title 41 of the FAST Act (FAST-41), is tasked with improving coordination among federal agencies to ensure the timely review and authorization of covered projects. While several areas of activity were identified in FAST-41 as being covered projects, the FPISC has the authority to determine additional eligible activities. Given that the Chairman of the Council on Environmental Quality is a member of the FPISC, what are your thoughts on including mineral mining as a covered project under FAST-41?

The Council on Environmental Quality (CEQ) is one of 16 agencies that serve as members of Federal Permitting Improvement Steering Council (Permitting Council). On July 28, 2017, the Permitting Council received a request to add mining as an infrastructure sector under the FAST-41 definition of a “covered project,” which may be determined by majority vote of the Permitting Council. The Permitting Council has developed a Standard Operating Procedure (SOP) for Adding a New Sector to consider the potential addition of new sectors of covered projects not expressly enumerated under FAST-41, which includes stakeholder outreach. To date, the Permitting Council has not made any determination to add any new sector of covered projects pursuant to the SOP and FAST-41. In connection with any future action with regard to requests to add a sector, it is important for CEQ to consult with all of the members of the Permitting Council, and to consider the views of stakeholders.

Senator Duckworth:

43. For nearly two decades, Executive Order 12898 has guided Federal efforts to advance environmental justice initiatives. This landmark Executive Order directs that “Each Federal Agency shall make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income population.”

If confirmed to lead the Council on Environmental Quality (CEQ), will you commit to upholding and achieving the goals contained in this critical environmental justice Executive Order 12898?

Yes. In 1994, President Clinton issued EO 12898, titled “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” which directed Federal agencies to address disproportionately high and adverse human health or environmental effects on minority and low income communities. CEQ issued related guidance in 1997, and CEQ participates in the Federal interagency working group led by Environmental Protection Agency (EPA) which addresses environmental justice issues. In March 2016, the working group issued a document titled “Promising Practices for EJ Methodologies in NEPA Reviews” which CEQ has posted on its website and is available at <https://ceq.doc.gov/nepa-practice/justice.html>. In addition, on February 23, 2018, EPA issued a memorandum affirming EPA’s commitment to the implementation of the 1994 EO. If confirmed, I commit that addressing environmental issues for low income and minority communities will be a priority, including actions under NEPA to facilitate the development of new or improved infrastructure in these communities.

44. The Centers for Disease Control and Prevention has made clear that there is no safe level of lead in a person’s bloodstream, particularly a child. However, our Nation’s laws and regulations fail to eliminate the presence of lead in drinking water and claim success for merely lowering the amount of lead present in water supplies. There is no public health justification for being satisfied with only a small amount of lead in our drinking water and I simply refuse to accept excuses or explanations from cynics who claim that the United States is incapable of solving this problem.

If confirmed to lead CEQ, will you commit to taking concrete and meaningful action to make sure the Trump Administration prioritizes modernizing and strengthening the Lead and Copper Rule by no later than early 2019?

If confirmed, I will work with the EPA to prioritize development of this rule.

45. Illinois is home to an innovative Archer Daniels Midland project that is leading the way in helping to reduce emissions by capturing and storing carbon. This Carbon Capture, Utilization and Storage (CCUS) system is capable of storing more than 1 million tons of

carbon emissions, and it represents the type of CCUS technology that will prove vital in empowering our Nation and countries around the world to reduce emissions and protect our planet.

If confirmed to lead CEQ, will you commit to working with the U.S. Department of Energy and other agencies to support project developers and operators of Carbon Capture, Utilization and Storage facilities?

Yes. If confirmed, I will work with the Department of Energy and other relevant agencies on this issue.

Senator Markey:

46. On June 19, 2018 Trump rescinded the National Ocean Plan and replaced it with the Ocean Policy Committee co-chaired by the Council on Environmental Quality (CEQ) and the Office of Science and Technology Policy. The Northeast Ocean Plan, established in 2012, created the very successful Northeast Ocean Data Portal. The Portal helps ocean stakeholders plan activities such as fishing, marine traffic routes, and energy development by combining and layering data in regards to different ocean uses onto one map.
- As the head of CEQ and co-chair of the new Ocean Policy Committee, will you work to ensure federal agencies continue to engage with states and regions on regional ocean plans? Will you work to ensure federal agencies continue to engage with diverse stakeholders including fishermen, the tourism industry, the recreational industry, port operators, local communities, offshore wind development, the science community, and conservation groups?
 - Will you ensure that the Northeast Ocean Plan and other regional ocean plans continue to receive updated data and support so that local stakeholders, governments, states, federal agencies, industry, tribes, and the science community can make more informed management decisions?
 - Can you guarantee that federal support for data collection and management, including for publicly available data, will continue?

Executive Order (EO) 13840, titled “Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States,” specifically directs the Ocean Policy Committee (OPC) established under the EO to engage with stakeholders, including Regional Ocean Partnerships (ROPs), “to address ocean-related matters that may require interagency or intergovernmental solutions.” The EO also directs the OPC to coordinate the release of unclassified data and other ocean-related information through “common information management systems, such as the Marine Cadastre, that organize and disseminate this information.” The Marine Cadastre is a primary source of Federal coastal and ocean spatial data for ROPs. The Council on Environmental Quality (CEQ) and the Office of Science and Technology Policy (OSTP) have issued guidance to agencies relating to implementation of EO 13840 which is available at <https://www.whitehouse.gov/wp-content/uploads/2017/11/20180628EO13840OceanPolicyGuidance.pdf>.

47. The National Environmental Policy Act (NEPA) is often blamed for delays in infrastructure projects, but analyses done by federal agencies and reports by the Congressional Research Service have repeatedly pointed to issues like a lack of funding as the main cause of delays. Additional changes to the NEPA process required by recent legislation have also resulted in conflicting, duplicative, and confusing directions to staff responsible for conducting NEPA reviews.

- a. Before or as part of the broader NEPA rulemaking, would you commit to conducting a review of the resources that agencies have and are missing that are necessary to perform environmental impact statements and environmental assessments?

I believe Federal agencies have sufficient resources to implement NEPA. CEQ is currently working with agencies to better coordinate their NEPA reviews and to more effectively allocate resources, including the establishment of joint schedules, environmental analyses, and records of decision. CEQ's NEPA implementing regulations set forth in 40 CFR 1507.2 and 1506.5 direct agencies to ensure that they have the capability to implement NEPA. If confirmed, I commit to working to ensure that agencies effectively allocate resources to enable them to implement NEPA appropriately.

- 48. President Trump signed an executive order directing agencies to use a "One Federal Decision" mechanism, which designates a lead agency to shepherd a single NEPA review to completion.

- a. What role do you think CEQ plays in the "One Federal Decision" approach?

Pursuant to EO 13807, CEQ and the Office of Management and Budget (OMB) were directed to develop a framework for implementation of the One Federal Decision policy. On March 20, 2018, CEQ and OMB issued a memorandum to Federal agencies providing a framework for implementation of the policy. On April 9, 2018, President Trump announced that 11 Federal agencies and the Federal Permitting Improvement Steering Council (Permitting Council) executed a Memorandum of Understanding committing to work collaboratively to implement the policy and to meet the two-year goal for major infrastructure projects. Pursuant to EO 13807, CEQ will continue to work with the agencies to implement the One Federal Decision policy, including through the interagency working group convened by CEQ in fall 2017 to implement the EO.

Senator Merkley:

49. We have seen storm surges, floods, droughts, increased frequency and severity of natural disasters, ocean acidification, and general environmental distress across the country – a trend that will only continue with the climate chaos we are currently facing. In your testimony, you said that you believed humans are impacting the world’s climate. If confirmed as the head of CEQ, what steps will you take to proactively combat the environmental concerns listed above?

To address climate change related concerns, I believe it is important to pursue technology and innovation to adapt to a changing climate, consistent with Congressional directives. This includes current efforts pursuant to the Weather Research and Forecasting Innovation Act to improve weather data, modeling, computing, forecasting, and warnings. I also believe it is important to pursue continued research in order to improve our understanding of the climate system.

50. We are reaching a breaking point in terms of climate change impacts, and it is clear that this country need leaders who are willing to take action now to prevent us from rapidly reaching a point of no return in terms of climate change impacts. This cannot happen if science and the impacts of climate disruption are ignored. In your leadership role with the CEQ, what steps will you take to arrest and reverse climate change?

I believe it is important to pursue a strong economy which allows us to have the resources to advance technology and innovation and to develop resilient infrastructure to address future risks, including climate related risks. In addition, it is important to advance projects to achieve environmental protection, including environmental restoration projects. To facilitate the development of such projects in a timely manner, the Council on Environmental Quality (CEQ) has been working with Federal agencies to streamline environmental reviews that are conducted pursuant to the National Environmental Policy Act (NEPA) and related statutes.

51. CEQ’s primary role is leading coordination between environmental agencies. In an ANPRM (Advanced Notice of Proposed Rule Making) published last month, it seems clear the administration is looking to revamp the NEPA review process, which could allow for industry to bypass environmental regulations. As head of CEQ, can you please describe how you will ensure that this NEPA overhaul will not cut environmental review requirements?

On June 20, 2018, CEQ published an ANPRM to consider potential updates and clarifications to its NEPA implementing regulations. As stated in the ANPRM, “CEQ solicits public comment on potential revisions to update the regulations and ensure a more efficient, timely, and effective process consistent with the national environmental policy stated in NEPA.” CEQ will review comments on the ANPRM, and these comments will inform any

future action including whether to pursue any proposed revisions to the CEQ regulations.

52. On June 19th, President Donald Trump issued an Executive Order replacing the existing U.S. Ocean Policy with one that follows a shift away from environment to economy, changing U.S. ocean policy from one that was focused on stewardship of our valuable and vulnerable ocean life to resource use and extraction. If confirmed as the head of CEQ, how will you work to prioritize ocean conservation and coastal protection? How will you ensure the ecological health of our oceans and coastlines?

Congress has issued many statutes to address the management of our ocean resources and environmental protection of our oceans, Great Lakes, and coastal waters. Executive Order (EO) 13840, titled “Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States,” supports ocean stewardship by directing Federal agencies to work to ensure economic, security, and environmental benefits for present and future generations by coordinating ocean policy. The EO establishes an Ocean Policy Committee (OPC) and subcommittees to address science and technology and ocean resource management issues. Matters relating to ocean conservation and coastal protection may be addressed by the OPC and its subcommittees. If confirmed, as Co-Chair of the OPC, I commit to working with Federal agencies to continue to make data and information that supports conservation and coastal protection publicly available.

53. Its seems as though the prioritization of economic development, and the president’s vow to expand fossil fuel extraction from our oceans, run directly counter to the CEQ’s goal of environmental protection and a productive harmony between humans and their environment? Please explain how the Trump Executive Order encourages healthy ocean ecosystems. If confirmed as the head of the CEQ, will you support these policies that will undoubtedly harm the long-term health and sustainability of our oceans?

EO 13840 specifically directs the OPC to engage and collaborate with stakeholders, including Regional Ocean Partnerships (ROPs), address regional coastal and ocean matters potentially requiring interagency or intergovernmental solutions, expand public access to Federal ocean-related data and information, and identify priority ocean research and technology needs to facilitate the use of science in establishing policy. The EO also facilitates the collection, development, dissemination, and exchange of information among agencies. If confirmed, as Co-Chair of the OPC, I commit to working with Federal agencies to implement the EO in a manner that advances environmental protection.

Senator Whitehouse:

54. Last month, President Trump issued an Executive Order repealing President Obama's National Ocean Policy Executive Order and implementing his own ocean priorities. The EO focused on extracting as much as possible from the oceans with little regard for conservation. It also omitted any mention of climate change and its effects on oceans and coasts.

- a. Do you agree that the primary focus of the United States' policy on oceans management should be on the exploitation of our oceans for short-term economic gain at the expense of long-term conservation and sustainable use?
- b. Explain your understanding of the consequences of climate change and carbon pollution on our oceans and coasts, including warming, deoxygenation, sea level rise, and ocean acidification?
- c. What role did you play in the development and drafting of President Trump's Executive Order?
 - i. Did you recommend or support the emphasis on extraction of resources in the EO?
 - ii. Did you recommend or support the exclusion of any mention of climate change or ocean acidification from the EO?

Executive Order (EO) 13840, titled "Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States," is an order that addresses interagency processes and coordination with regard to ocean-related research and resource management. This EO was developed pursuant to a deliberative interagency process that included multiple components within the Executive Office of the President, including the Council on Environmental Quality (CEQ), and also included relevant Federal agencies.

The EO establishes an Ocean Policy Committee (OPC) and establishes two subcommittees, including a subcommittee on science and technology, and a subcommittee on resource management. I anticipate that matters relating to climate change and ocean acidification may be addressed by one or both subcommittees.

55. The EO establishes an interagency Ocean Policy Committee which is co-chaired by the Council on Environmental Quality and Director of the Office of Science and Technology Policy. The Co-chairs are directed, in coordination with the Assistants to the President for National Security Affairs, Homeland Security and Counterterrorism, Domestic Policy, and Economic Policy, to "regularly convene and preside at meetings of the Committee, determine its agenda, and direct its work, and shall establish and direct subcommittees of the Committee as appropriate."

- a. Given your current status as the highest ranking official at CEQ, what steps have you taken to establish the Committee, and set its agenda and meeting schedule?

- b. When do you plan to hold the first Committee meeting?
- c. What subcommittees and specific tasks for these subcommittees do you anticipate forming?

To implement EO 13840, on June 20, 2018, CEQ and the Office of Science and Technology Policy (OSTP) which co-chairs the OPC, held a call with state representatives from regions across the country, including the Northeast region, to discuss the new EO. On June 28, 2018, CEQ and OSTP also issued guidance to Federal agencies relating to implementation of the EO, which is available at <https://www.whitehouse.gov/wp-content/uploads/2017/11/20180628EO13840OceanPolicyGuidance.pdf>.

CEQ and OSTP have scheduled the first OPC Meeting for August 1, 2018. At the meeting Federal agencies will discuss implementation of EO 13840, including: i) the function and structure of the OPC and establishment of the subcommittees; ii) the timely release of Federal ocean-related data and information; iii) priority ocean research and technology needs; iv) Federal participation in ocean research projects, including through the National Oceanographic Partnership Program; and v) interagency coordination.

56. The EO also “recognizes and supports Federal participation in regional ocean partnerships.” These partnerships manage ocean planning and data collection for the purposes of sustainable ocean management.
- a. If confirmed, how will you advise federal agencies to support and participate in these regional ocean partnerships?
 - b. How should federal agencies consider the data and recommendations from the regional ocean partnerships in their own work and decision-making?

As stated above, on June 28, 2018, CEQ and OSTP issued guidance to Federal agencies relating to implementation of the EO, including continued support for Regional Ocean Partnerships (ROPs) or their functional equivalents.

EO 13840 directs the OPC to identify priority ocean research and technology needs to facilitate the use of science in establishing policy, and the collection, development, dissemination, and exchanges of information among agencies. It also directs that the OPC address coordination and Federal participation in projects conducted under the National Oceanographic Partnership Program. Data and recommendations from the ROPs should inform these activities.

57. The EO emphasizes the importance of ocean data and monitoring, a priority for the Senate Oceans Caucus. As we develop legislation to support enhanced ocean data and

monitoring technologies and methods, will you work with us to improve and implement the legislation, if passed?

Yes.

58. The growing threat of plastic pollution and other marine debris are endangering our coastal economies and wildlife. The bipartisan Save Our Seas Act, which aims to increase federal involvement in both domestic and international efforts to combat marine debris, passed the Senate by unanimous consent last August. The House of Representatives is expected to pass their bipartisan companion bill shortly. The issue of marine debris has captured the attention of the nation and concerned citizens of all political leanings.

- a. What role can CEQ play in coordinating federal efforts to research, monitor, and reduce marine plastic pollution?
- b. If confirmed, do you commit to working with the bipartisan Senate Oceans Caucus to build on the Save Our Seas Act and build on U.S. investments in marine debris research, prevention, and innovation?

Addressing marine debris is an important issue. If confirmed, as Co-Chair of the OPC, I commit to working with you and your colleagues on this issue going forward.

59. At your confirmation hearing, you told Senator Van Hollen that you “agree that the climate is changing and that human activity has a role.” My question to you is do you believe that human activity, namely the burning of fossil fuels, is the primary driver of climate change? If not, what is?

I agree that the climate is changing and human activity has a role. The climate system is driven by complex interactions, and examination of the climate involves complex models and assumptions, as well as projections which may extend far into the future. To improve our understanding of the climate system, it is important to continue climate related research.

60. In your time as chief of staff at CEQ, you have already withdrawn guidance issued under the Obama administration that directed relevant agencies to consider the carbon emissions and associated climate change effects in NEPA reviews. Given that Freddie Mac, the insurance industry trade publication Risk & Insurance, and the Union of Concerned Scientists all warn that sea level rise caused by climate change will have a severe impact on coastal real estate values, and the Bank of England and numerous researchers, economists, and other academics warn of the risks of a “carbon bubble,” please explain why you think that it is good policy to not require that the climate effects of projects be considered in NEPA reviews?

As a general matter, Federal agencies are required under NEPA to review the potential environmental consequences of proposed major Federal actions that may significantly affect the quality of the environment.

61. How should greenhouse gas impacts and sea level rise be considered in NEPA project reviews?

In conducting NEPA analyses, Federal agencies have discretion and should use their experience and expertise to decide how and to what degree to analyze particular effects. Pursuant to CEQ's NEPA implementing regulations, agencies should identify methodologies and ensure information is of high quality, consistent with 40 CFR 1500.1(b) and 40 CFR 1502.24.

62. The Obama administration had estimated the social cost of carbon to be around \$45 per ton of emissions in 2020. Former EPA Administrator Scott Pruitt reduced this number to between \$1 and \$6 per ton, notably by excluding the costs of climate change that are borne outside our borders.
- Do you agree that the social cost of carbon is a valuable tool for policy makers that should be used to help them assess the true costs of projects and true benefits of regulations limiting carbon emissions?
 - Do you agree with Pruitt's decision to reduce the value of the social cost of carbon by excluding costs that are borne outside our borders?

NEPA and CEQ's regulations do not require agencies to monetize the costs and benefits of a proposed action. CEQ's regulations at 40 CFR 1502.23 provide that agencies need not weigh the merits and drawbacks of particular alternatives in a monetary cost-benefit analysis, and that such analysis should not be used when there are important qualitative considerations. Social cost of carbon (SCC) estimates were developed for rulemaking purposes to assist agencies in evaluating the costs and benefits of regulatory actions, and were not intended for project level reviews under NEPA.

To the extent that SCC estimates are used for rulemaking purposes, EO 13783 directs Federal agencies to be consistent with the guidance contained in the Office of Management and Budget (OMB) Circular A-4 of September 17, 2003. This guidance addresses consideration of domestic versus global impacts as well as appropriate discount rates, and specifically directs agencies to consider the domestic costs and benefits of rulemakings.

63. Former EPA Administrator Scott Pruitt issued a proposed rule that would prohibit EPA from considering in its rulemaking process studies whose underlying data is not public. This proposed rule would exclude many public health studies that rely upon confidential patient data. Do you support Pruitt's approach of excluding peer-reviewed public health

studies simply because many of the people whose health data is used in them have not consented to making their data public?

Transparency and reproducibility of findings are essential for scientific research. It is important to respect confidentiality agreements between researchers and their subjects, and to protect the health information of people who participate in health studies. The proposed rule has been issued for public comment and comments submitted will inform any future action.

Senator BARRASSO. Thank you so much for your testimony, Ms. Neumayr. We will have some questions in a few moments.

I would like to turn now to Dr. Fleming. I would invite you to introduce your family and then please proceed with your testimony.

STATEMENT OF JOHN C. FLEMING, NOMINATED TO BE ASSISTANT SECRETARY OF COMMERCE FOR ECONOMIC DEVELOPMENT, DEPARTMENT OF COMMERCE

Dr. FLEMING. Thank you, Mr. Chairman.

First of all, to my immediate back is my wife, Cindy Fleming. We just celebrated our 40th anniversary. We have four adult children and three grandchildren.

To her left is Katie Posey, who is the wife of Congressman Posey. To her left is Debbie Meadows, the wife of Congressman Meadows. Then we have Elaine Petty who is the wife of Assistant Secretary for Water and Science, Tim Petty.

To my right is Ross Ranson who helped me through the process today and behind them is career and political staff from the Department of Commerce.

Senator BARRASSO. Welcome all. Thank you.

Dr. FLEMING. Good morning, Chairman Barrasso, Ranking Member Carper, and distinguished members of the U.S. Committee on Environment and Public Works.

It is indeed an honor to appear before my former congressional colleagues. I thank you for inviting me here today. I also would like to thank President Trump, Secretary Ross, and Acting Deputy Secretary Kelley, and the career and political staff here today, and many others, for their assistance and the opportunity to serve as the Assistant Secretary for Economic Development in the Department of Commerce, if confirmed.

I am very excited about this opportunity because it allows me to use my broad and deep background as an entrepreneur, military veteran, physician, and former U.S. Congressman to serve again the American people.

The mission of the Economic Development Administration, EDA, is to support the recovery of economies across America, including the U.S. territories. This agency helps economically distressed communities move past their previously failed economic circumstances.

Even strong economic ecosystems sometimes suffer devastation from natural disaster events such as hurricanes, floods, and forest fires. I am acutely aware of this as my own State of Louisiana, after more than a decade, is still recovering from hurricane Katrina. Just drive down a few key streets in downtown New Orleans and you will see the ongoing regeneration of our infrastructure destroyed by hurricane Katrina.

The EDA helps Americans face economic challenges, and I am no stranger to those challenges, having had a few myself. If I may, I would like to mention a couple.

At age 11, growing up in a working-class home and influenced by my nurse grandmother, I began to have a dream of being a doctor 1 day. My grandmother convinced me that in America you can achieve whatever you want with hard work. I believed her. However, in the pursuit of my dream, I found obstacles.

My mother became disabled when I was 5, and my father died suddenly just before I graduated from high school leaving a college education in doubt. Nonetheless, by working part-time and with the help of government loan programs, I achieved my goal of becoming a physician while caring for a family back home.

It was not an easy pathway. I loved my work in medicine. I spent the first 6 years as a U.S. Navy medical officer. Upon finishing my military tenure, I set up a private medical practice in a small town in Louisiana where my wife and I raised four children.

Along the way, I became interested in another quintessential American dream: becoming a small business entrepreneur. In partnership with my brother, I began to open various retail franchised businesses that grew to over 500 employed positions that remain in existence even today.

Again, there were challenges. I had to acquire capital. I had to develop management systems. I had to implement leadership accountability and many other things required for developing a successful suite of businesses. I also experienced business reversals just like any business owner.

I believe my grandmother's sage advice is still true today, through hard work, you can achieve whatever you want. It is through my own personal experiences that I appreciate the EDA's mission to assist distressed communities in overcoming the economic challenges they may face.

It is my belief with my background outlined here today, coupled with my strong conviction about the great virtue of our American economic model, that I am distinctly qualified to lead the EDA in its extremely important mission.

I intend to help any American who may benefit and qualify from our assistance, regardless of their location or socioeconomic background. It would be a great honor, should I be confirmed, to continue public service by utilizing all that I have learned and experienced as a former military officer, a physician, an entrepreneur, and a four-term Congressman.

I will endeavor to assist communities across the Country which have suffered economic hardship, helping these communities create jobs for millions of Americans. I pledge to you to work very closely with Congress with full transparency.

Thank you, again, for allowing me to appear before you. I look forward to answering your questions.

[The prepared statement of Dr. Fleming follows:]

Statement of John C. Fleming
Nominated to be Assistant Secretary of Commerce for
Economic Development, Department of Commerce
July 19, 2018

Good morning Chairman Barrasso, Ranking Member Carper, and distinguished members of the U.S. Senate Committee on Environment and Public Works.

It is indeed an honor to appear before my former congressional colleagues. I thank you for inviting me here today. I also would like to thank President Trump, Secretary Ross, and Acting Deputy Secretary Kelley for the opportunity to serve as the Assistant Secretary for Economic Development in the Department of Commerce, if confirmed.

I am very excited about this opportunity because it allows me to use my broad and deep background as an entrepreneur, military veteran, physician, and former U.S. Congressman to serve the American people.

The mission of the Economic Development Administration (EDA) is to support the recovery of economies across America, including the U.S. territories. This agency helps economically distressed communities move past their previously failed economic circumstances. Even strong economic ecosystems sometimes suffer devastation from natural disaster events such as hurricanes, floods, and forest fires. I am acutely aware of this as my own state of Louisiana, after more than a decade, is still recovering from hurricane Katrina. Just drive down a few key streets in downtown New Orleans and you will see the ongoing regeneration of our infrastructure destroyed by hurricane Katrina.

The EDA helps Americans face economic challenges, and I am no stranger to those challenges, having had a few myself. If I may, I'll share one or two right now:

At age 11, growing up in a working-class home and influenced by my nurse grandmother, I began to have a dream of being a doctor one day. My grandmother convinced me that in America you can achieve whatever you want with hard work. I believed her. However, in the pursuit of my dream, I found obstacles.

My mother became disabled when I was 5, and my father died suddenly just before I graduated from high school leaving a college education in doubt.

Nonetheless, by working part-time and with the help of government loan programs, I achieved my goal of becoming a physician while caring for a family back home. It was not an easy pathway.

I loved my work in medicine. I spent the first 6 years as a U.S. Navy medical officer. Upon finishing my military tenure, I set up a private medical practice in a small town in Louisiana where my wife and I raised 4 children. Along the way I became interested in another quintessential American dream: becoming a small business entrepreneur. In partnership with my brother, I began to open various retail franchised businesses that grew to over 500 employed positions that remain in existence even today. Again, there were challenges. I had to acquire capital. I had to develop management systems. I had to implement leadership accountability and many other things required for developing a successful suite of businesses. I also experienced business reversals just like any business owner.

I believe my grandmother's sage advice is still true today - through hard work, you can achieve whatever you want. It's through my own personal experiences that I appreciate the EDA's mission to assist distressed communities in overcoming the economic challenges they may face. It is my belief with my background outlined here today, coupled with my strong conviction about the great virtue of our American economic model, that I am distinctly qualified to lead the EDA in its extremely important mission. I intend to help any American who may benefit and qualify from our assistance, regardless of their location or socioeconomic background.

It would be a great honor, should I be confirmed, to continue public service by utilizing all that I have learned and experienced as a former military officer, a physician, an entrepreneur, and a four-term congressman. I will endeavor to assist communities across the country that have suffered economic hardship, helping these communities create jobs for millions of Americans.

I pledge to you to work very closely with Congress with full transparency.

Thank you, again, for allowing me to appear before you. I look forward to answering your questions.

Senate Committee on Environment and Public Works
Hearing entitled, “Hearing on the Nominations of Mary Bridget Neumayr to be a Member of
the Council on Environmental Quality and John C. Fleming to be Assistant Secretary of
Commerce for Economic Development”
July 19, 2018
Questions for the Record for Dr. John C. Fleming

Chairman Barrasso:

1. Between fiscal years 2012 and 2016, Wyoming ranked second-to-last among all 50 states when it came to assistance from the Economic Development Administration (EDA). I would note that EDA awarded entities within similar-size states in the region – Montana, South Dakota, and North Dakota – three to five times the amount that EDA awarded to entities in Wyoming. I would add that, during this time period, Delaware – the home of Ranking Member Carper – was last among states when it came to assistance from EDA. How can EDA work with communities in Wyoming and Delaware to ensure that our constituents are aware of, know how to access, and better compete for EDA assistance?

Response:

I will be happy to look into this further if confirmed, but it is my understanding that, in general, at any given time, communities may or may not be eligible under EDA’s primary authority depending on a number of economic distress criteria such as the communities’ unemployment rate, per capita income, or special need (i.e. disaster declaration).

Additionally, it is my understanding that Wyoming communities often struggle to meet these eligibility requirements set forth by statute. I further understand that there are no economic development districts in Wyoming and only one revolving loan fund. However, there is a University Center investment in with the University of Wyoming.

In 2017, there were several important Wyoming investments, and the Denver regional office has invested more in 2017 than they had in the previous 6 years. The regional office is making strides in identifying and funding quality projects in the state and looks forward to working closely with your constituents to continue this trend.

With respect to Delaware, I understand that many communities have struggled with the statutory eligibility requirements as well. That said, \$516,899 was awarded in 2016 for Delaware Technology Park proof of concept lab, and \$3M in 2017 for Delaware Innovation Space, Inc. Technology and Science Lab at the former DuPont lab site.

Ranking Member Carper:

1. Whistleblower laws protect the right of federal employees to make lawful disclosures to agency management officials, the Inspector General, and the Office of Special Counsel. They also have the right to make disclosures to Congress.

Specifically, 5 U.S.C. § 7211 states that the “right of employees, individually or collectively, to petition Congress or a Member of Congress or to furnish information to either House of Congress, or to a committee or Member thereof, may not be interfered with or denied.” Further, 5 U.S.C. § 2302(b)(8), makes it a violation of federal law to retaliate against whistleblower because of “(A) any disclosure of information by an employee or applicant which the employee or applicant reasonably believes evidences- (i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences a violation of any law, rule, or regulation...” In addition, pursuant to 18 U.S.C. § 1505, it is against federal law to interfere with a Congressional inquiry.

If you are confirmed, will you commit to protect the rights of all EDA career employees to make lawful disclosures, including their right to speak with Congress?

Response:

If confirmed, I will protect the rights of all EDA career employees to make lawful disclosure, including their right to speak with Congress.

2. Will you commit to communicate employees’ whistleblower rights via email to all EDA employees within a week of being sworn in?

Response:

If confirmed, I will commit to reviewing the Department’s policies related to communicating policies that apply Department-wide and ensure that EDA employees are aware of their whistleblower rights.

3. In your ethics agreement you state: “I will not participate personally and substantially in any particular matter in which I know that I have a financial interest directly and predictably affected by the matter, or in which I know that a person whose interests are imputed to me has a financial interest directly and predictably affected by the matter, unless I first obtain a written waiver, pursuant to 18 U.S.C. § 208(b)(1), or qualify for a regulatory exemption, pursuant to 18 U.S.C. § 208(b)(2).”

Please provide a list of all such particular matters involving specific parties that you will either need to recuse yourself from or seek authorization to participate in. For each such particular matter, please also indicate whether you plan to seek a waiver to participate.

Response:

At this time, I am unaware of any particular matters involving specific parties that will require my recusal or for me to seek authorization to participate. My understanding is that it is unlikely for matters involving specific parties to rise to the level of the Assistant Secretary for Economic Development. However, in the unlikely event that such a matter does arise, I will recuse myself or work closely with Department ethics officials to find an appropriate resolution consistent with Government ethics rules.

4. In your ethics agreement, you also mention that you will continue to serve as a trustee of Fleming Properties Trust. Further, the Public Financial Disclosure Report (OGE Form 278e) you completed lists a number of businesses in which you or your spouse hold a position of influence or hold a financial interest. Have any of these entities benefitted—directly or indirectly—from grants or loans awarded by the EDA? If so, please document and describe each such benefit.

Response:

To the best of my knowledge, none of the businesses in which I or my spouse hold a position of influence or financial interest have ever benefitted, directly or indirectly, from grants or loans awarded by the EDA.

5. Do you agree to provide complete, accurate and timely responses to requests for information submitted to you by any Member of the Environment and Public Works Committee? If not, why not?

Response:

If confirmed, I commit that I will provide all available requested information and appropriate responses to requests for information in as complete, accurate and timely manner as possible. My staff will provide updates on the status of any requests and identify any delays, if applicable.

6. The U.S. Economic Development Administration (EDA) offers resources and technical assistance to support business attraction and retention at the local and regional level. Core programs are vital to sustaining assistance in areas such as planning, infrastructure development, and innovative strategies. What is your approach to delivering these programs? Will you seek to preserve and maintain core agency functions?

Response:

I support the President's budget proposal and the Administration's reorganization plan to consolidate EDA's authorities under the Bureau of Economic Growth. Concurrently, I will abide by and faithfully execute EDA's mission should Congress continue to appropriate funds to EDA.

If confirmed and presented with continued appropriations to operate EDA, under my leadership, EDA will continue to help communities develop and implement

economic diversification strategies that will build on the communities' economic assets in related but new economic pursuits.

I would want to ensure that EDA is focusing on creating the local and regional economic conditions necessary for businesses to succeed. This means investing EDA funds in economic development projects that facilitate the private sector's ability to create jobs and to help attract additional private investment in these projects and the communities around them.

7. During your testimony before the Committee, you provided an explanation for your two previous votes when you were a member of the House of Representatives to defund the EDA, the agency that you have now been nominated to lead. Do you commit to defend and fully support funding and programing for the Economic Development Administration?

Response:

If confirmed, I will support the President's budget while faithfully executing the program funding levels appropriated by the Congress for EDA.

8. The Trump Administration released its government reform plan last month. The proposal seeks to consolidate many economic development-related programs. Within the plan, EDA's Economic Assistance programs would be transferred into a new agency, the Bureau of Economic Growth (BEG). The agency would also administer Community Development Block Grant (CDBG) and federal-state regional commissions including the Delta Regional Authority and Northern Border Regional Commission. These programs have mostly been slated for elimination by the Trump Administration. Do you support this effort to consolidate these programs?

Response:

I support the Administration's efforts to consolidate these programs, including the economic development grants made under EDA authorities. Creating one central place for economic development is good government. The Bureau of Economic Growth will be a catalyst for job creation, business growth and local-planned economic diversification.

Senator Gillibrand:

1. The U.S. needs a national effort to position every community for success in today's economy, to make our local economies more resilient to economic change, and to ensure everyone who wants to work has access to a good-paying job. One of EDA's greatest strengths is its flexible portfolio of programs and ability to work with other federal, state, and local agencies to respond quickly to disasters, plant closings, and other economic disruptions that have too often left communities in a downward spiral and unable to fully recover. EDA also has a strong record of effectively working with many other federal agencies to provide resources to economically struggling communities that often need

more than one kind of assistance to create good-paying jobs. What actions will you take, or what will you ask Congress to help you with, to increase the coordination and impact of the various federal economic development resources agencies provide to our economically struggling communities?

Response:

I support the President's budget proposal and the Administration's reorganization plan to consolidate EDA's authorities under the Bureau of Economic Growth. Concurrently, I will abide by and faithfully execute EDA's mission should Congress continue to appropriate funds to EDA.

If confirmed and presented with continued appropriations to operate EDA, I will continue EDA's current practice of integrating resources across multiple Departments through EDA's current business practice of Economic Development Integration (EDI). The Office of Management and Budget (OMB) has designated EDA to lead the federal government's efforts to maximize the integration of economic development resources from all sources, including federal, state, local and philanthropic, to achieve more impactful and sustainable outcomes for communities across America.

Consistent with Congressional and OMB direction, if confirmed, I will prioritize supporting and strengthening EDA's ability to fulfill its mandate as the lead integrator of federal economic development resources.

2. Would you support the creation of dedicated economic recovery support teams to offer rapid response assistance to communities that are facing significant job loss?

Response:

I support the President's budget proposal and the Administration's reorganization plan to consolidate EDA's authorities under the Bureau of Economic Growth. Concurrently, I will abide by and faithfully execute EDA's mission should Congress continue to appropriate funds to EDA.

If confirmed and presented with continued appropriations to operate EDA, I will continue to use the framework already in place at EDA to create economic recovery support teams. EDA has deployed rapid response teams to areas that have faced significant job loss under the Economic Development Assessment Team (EDAT) framework. EDA works across agencies to pull together the necessary resources to respond to the specific geographic area and industries affected.

The goal of the EDAT is to leverage the power of multiple federal agencies and harness stakeholder input to create economic development strategies that help pave the way for job growth. Modeled after the National Disaster Recovery Framework (NDRF), an EDAT enables EDA to marshal the full range of federal resources to work on behalf of a region experiencing economic distress. This

tailored response has been used to address incidents like the Deepwater Horizon oil spill, the Colorado wildfires, and the collapse of New England's fisheries.

An EDAT brings together agencies from across the federal government to focus their efforts, build relationships, and better understand the challenges facing a region. The federal team collaborates with local and industry stakeholders to explore strategies for diversification and familiarizes them with applicable programs to support economic development and revitalization. By engaging with local stakeholders with diverse interests in the community, the team accelerates community planning and action and assists communities in leveraging and applying best practices for economic development and diversification.

Most recently, EDA coordinated an EDAT to Maine to identify federal resources that can help Maine's forest products industry create and retain jobs, and strengthen the future of Maine's forest economy. This EDAT brought together representatives from EDA, U.S. Department of the Treasury, U.S. Department of Transportation, U.S. Department of Agriculture, U.S. Department of Labor, U.S. Department of Energy, U.S. Environmental Protection Agency, U.S. Small Business Administration, and the Northern Border Regional Commission. A Planning Committee was established for the EDAT, which includes industry representatives, elected officials, community members, and regional economic development officials.

EDA also stands ready with an Economic Development Integration (EDI) team that has the capacity to handle additional deployments and the coordination of federal resources for communities facing significant job loss.

3. If not, what would you propose EDA do to increase its ability to respond rapidly to disruptions and dislocation?

Response:

N/A (see #9 above).

4. EDA's Regional Innovation Strategies (RIS) Program, which focuses on increasing local innovation and entrepreneurship, has had a very positive impact on the State of New York. Since 2014, the New York has received nine awards through RIS, including one to Launch New York in Buffalo. This funding is allowing Launch New York to provide funding for start-up companies in Western New York, a region that accounts for nearly 50 percent of annual research and development expenditures in New York State but receives only 3 percent of the venture capital invested in the state. The funding provided through RIS is ensuring that the most promising startups have access to high-quality business mentoring in combination with vital seed capital to support new companies and the creation of new jobs. Demand for RIS awards has always greatly exceeded its funding since the program's first appropriation back in FY2014. Since the program's inception, Congress has provided \$57 million while EDA has received 830 applications seeking a total of \$245 million. Will you work with me to expand the RIS program and

secure the adequate resources in next year's FY2020 budget to support more startups throughout New York State and the nation?

Response:

The RIS program is one of many unique EDA programs that help communities address the continuum of economic development needs they may experience. Under RIS, EDA awards grants that build regional capacity through seed capital and support to innovators entrepreneurs to translate their innovations into jobs. These investments strengthen the activities and thus, the outcomes, of investments made through other EDA programs. In the event that Congress appropriates funds for this program, if confirmed, I will ensure that it is executed effectively in New York and the nation.

5. What are your views on the federal role in supporting innovation and entrepreneurship?

Response:

The federal government plays a critical role and can be a great catalyst for innovation and entrepreneurship. I believe the federal government's focus should be on enabling the conditions for businesses to start and grow. The President's reorganization proposal would help refine this focus.

6. Congress has appropriated \$600 million in disaster supplemental funding for EDA grants to support relief efforts and long-term economic recovery projects in communities affected by disasters last year, including Puerto Rico and the U.S. Virgin Islands, which were devastated by Hurricane Maria. What are your plans for utilizing the disaster supplemental funding in Puerto Rico and the U.S. Virgin Islands?

Response:

In response to the devastation caused by Hurricanes Irma and Maria, the Federal Emergency Management Administration, or FEMA, established joint field offices, or JFOs, in San Juan, Puerto Rico, and St. Croix, U.S. Virgin Islands. The Economic Recovery Support Function was activated under each of these JFOs, and EDA responded by assigning agency personnel to staff each of these. Under the ERSF model, EDA coordinates collaboration and strategic planning among its federal partners along with state, territorial, regional and local stakeholders and decision makers. EDA continues to direct disaster recovery assistance to Puerto Rico and the U.S. Virgin Islands through the ERSF process.

Both Puerto Rico and the U.S. Virgin Islands are included among the states that are within the jurisdiction of EDA's Philadelphia regional office. Philadelphia regional office personnel are working closely with territorial elected officials and other decision makers and stakeholders to identify projects that directly address the priorities and objectives specified under each Recovery Support Strategy and that are eligible for funding under the Disaster Supplemental NOFO. The Philadelphia

office is currently receiving project proposals and applications, and making grant awards accordingly.

Senator Whitehouse:

1. EDA has invested over \$35 million in Rhode Island since FY 2009, including helping in the recovery from the 2011 floods. It's also supported a composites industry cluster in Bristol, improvements to our fishing docks in Galilee, and improvements to a formerly polluted site in Providence to ready it for redevelopment. The EDA has been instrumental in supporting "blue economy" initiatives in the state. Would you commit to visiting Rhode Island to visit some of this work that EDA has supported?

Response:

If confirmed, I would be honored to visit the great state of Rhode Island and look forward to it.

2. Though EDA provides funding to help economies rebound after disasters, there is limited opportunity to support resiliency work ahead of storms and other disasters. Climate change is expected to make these storms stronger and more frequent, increasing the financial risks communities face. A report from the National Institute of Building Sciences found that for every \$1 the federal government spends on improving resiliency, society saves \$6. On climate change, you have stated: "We are coming to the recognition that the environment is not as sensitive to carbon dioxide as many thought at first and that there are many other factors involved in global warming and temperature changes." Is that still your view about climate change? If not how have your views on climate science changed?

Response:

As I don't have the full context and full text of the statement cited, I can only express what I believe and understand on this subject. I believe that climate change is a fact and so is human activity as a contributor to climate change. However, as a non-scientist and non-expert on climate change, I am not qualified to determine to what degree human activity impacts climate change or the environment in general. It is my sincere belief that we should rely on qualified scientists to make that determination.

3. Do you believe that human activity, namely the burning of fossil fuels, is the primary driver of climate change? If not, what is?

Response:

I do not know if human activity through burning fossil fuels or in addition to burning fossil fuels is the primary driver of climate change. Again, I am not an expert or a scientist in this area.

4. What role can the EDA play in helping communities, particularly coastal economies, be more resilient to the next hurricane or climate disaster?

Response:

In current practice, EDA plays an active role in supporting community and regional capacity to become more resilient to natural disasters. As the coordinating agency for Economic Recovery Support Function (ERSF) under the National Disaster Recovery Framework, EDA is uniquely positioned to advance regional disaster resilience and recovery efforts across the country in partnership with its extensive network of Economic Development Districts, University Centers, institutions of higher education and other partners.

To build a resilient foundation for economic growth, EDA's Comprehensive Economic Development Strategy (CEDS), the backbone regional planning document for EDA funding, requires that resilience (to natural and man-made disasters) be incorporated into the development of such plans. This locally-driven, regionally-owned planning process is designed to build capacity and guide the economic prosperity and resiliency US regions.

As stronger, more diversified economies are better able to withstand hurricanes and other natural disasters, EDA is committed to helping more vulnerable communities and regions strengthen their economies before disaster strikes, and build back better for the future after a disaster.

Under the its 2018 Disaster Supplemental Notice of Funding Opportunity (NOFO), EDA has continued to emphasize the critical importance of disaster resilience, which aligns with the Department's investment priorities. In order to be competitive for assistance under this EDA NOFO, applicants must clearly incorporate "resilience principles" that enhance the community or region's ability to **anticipate, withstand and recover** from future disruptions to their economic base.

Examples of eligible activities for funding under EDA's Disaster Supplemental Notice of Funding Opportunity (NOFO) that emphasizes resilience include:

- Economic diversification efforts to broaden the region's industrial base
- Projects to enhance business retention and expansion
- Construction of high performance/resilient infrastructure
- redundancy in telecommunications and broadband networks
- promoting business continuity and preparedness
- employing safe development practices in business districts and surrounding communities

- Comprehensive planning efforts to define and implement a collective vision for economic recovery and resilience
5. According to the International Energy Agency, by 2040, there could be roughly 300 million electric vehicles (EVs) on the road, making up 16% of the global automotive fleet. Most other projections are even more bullish for electric vehicles, including one from Bloomberg, which predicts well over 400 million electric vehicles by 2040. To keep pace with this rapidly changing technology and growth in EV deployment on our roadways, the United States must invest in research and infrastructure.
- a. Do you agree that the United States should be a technological leader in EV development and deployment?
 - b. What can you do in your role to stimulate deployment of EVs to keep America competitive with other countries who are investing heavily in this technology?
 - c. Do you agree that the United States must prepare now for this rapid shift in vehicle technology by building infrastructure conducive for EVs? If so what can we do in the near term?

Response:

I support the President's budget proposal and the Administration's reorganization plan to consolidate EDA's authorities under the Bureau of Economic Growth. Concurrently, I will abide by and faithfully execute EDA's mission should Congress continue to appropriate funds to EDA.

If confirmed and presented with continued appropriations to operate EDA, electric vehicle technology could fit within EDA's investment priorities, such as advanced manufacturing and/or innovation. Should a community find that such technologies fit within its future plans for economic diversification, it would likely be eligible for funding under EDA's programs.

Senator BARRASSO. Thank you both of you. Congratulations to both of you.

Throughout this hearing and with questions for the record, the committee members will have an opportunity to learn more about your commitment to public service of our great Nation. I would ask throughout this hearing that you please respond to the questions today and those for the record.

With that said, I have the following questions to ask that we ask all nominees on behalf of the committee. I will ask each of you to respond individually.

Do you agree, if confirmed, to appear before this committee or designated members of this committee and other appropriate committees of the Congress and provide information subject to appropriate and necessary security protections with respect to your responsibilities?

Ms. NEUMAYR. Yes.

Dr. FLEMING. Yes, Mr. Chairman.

Senator BARRASSO. Do you agree to ensure that testimony, briefings, documents in electronic and other forms of communication of information are provided to this committee and its staff and other appropriate committees in a timely manner?

Ms. NEUMAYR. Yes.

Dr. FLEMING. Yes, Mr. Chairman.

Senator BARRASSO. Do you know of any matters which you may or may not have disclosed that might place you in any conflict of interest if you are confirmed?

Ms. NEUMAYR. I am not aware of such matters.

Dr. FLEMING. No, sir.

Senator BARRASSO. Ms. Neumayr, let me start.

As I mentioned earlier, you have a very impressive career in public service and environmental law. You have held positions at the Department of Justice, the Department of Energy, the House of Representatives and you have also served as the CEQ's Chief of Staff since March of last year.

How has your experience prepared you for the critically important job of advising the President on environmental policy?

Ms. NEUMAYR. Thank you, Mr. Chairman.

As you said, over the past 15 years, I have had the privilege of working in a variety of positions in the Executive and Legislative branches on energy and environmental policy matters. This has given me an opportunity to work on a very broad range of issues with a large number of Federal agencies.

It has also given me the opportunity, while working as a congressional staffer, to see the important role Congress plays in conducting oversight and developing legislative proposals. It has also given me the opportunity to see how important it is to work on a bipartisan basis, when we can, to try to address very challenging and difficult issues relating to some of these matters.

I believe, based on this experience, it will help to inform me going forward, should I be confirmed. I would look forward, should I be confirmed, to working with this body as I carry out my duties.

Senator BARRASSO. Thank you.

Dr. Fleming, one of the things brought up earlier by Senator Carper was that during your career in Congress, you voted to elimi-

nate the Economic Development Administration. I was going to give you an opportunity to help us understand why you now want to lead this agency?

Dr. FLEMING. Mr. Chairman and Ranking Member, thank you so much for that question.

When I ran for Congress in 2008 and was elected in 2009, I made a campaign promise to go to Washington to cut spending and to reduce deficits. In fidelity to that commitment and promise, I did what I could to do that.

There are a lot of things we look at in terms of streamlining and hopefully reducing the cost of government and taking the burden off taxpayers. However, going forward, I have very much become appreciative of the great work that EDA does and of its many accomplishments.

What really attracts me as an entrepreneur myself is the ability to leverage private sector dollars to draw in entrepreneurs, innovators, to risk their capital on behalf of the American people creating jobs, goods and services.

As I said, the more I learn about EDA, the more impressed I am with the work it does. Again, what agency in the Federal Government can claim it gets a 15 to 1 leveraging of non-Federal dollars?

Thank you.

Senator BARRASSO. I note that the President's Fiscal Year budgets for 2018 and 2019 propose eliminating the agency and its assistance programs. Yet, in terms of Congress, in Fiscal Year 2018, Congress funded the Economic Development Administration at \$39 million and provided I think about \$263 million for its assistance programs. Congress has appropriated an additional \$600 million in emergency funding for the agency's assistance programs.

If confirmed, can you share with us your plans for the agency?

Dr. FLEMING. Thank you, Mr. Chairman.

Yes, in fact, the checks are going out the door as we speak, ramping up rapidly in the third and fourth quarters. I certainly want to make sure that is speedily done but also with good stewardship to the taxpayers.

That is quite a job the EDA has coming forward, as you said, \$600 million, but it is for a great cause. It is for relief. 2017 was a very difficult year. We had hurricanes, forest fires and so forth and the help is coming. I certainly want to make that as efficient and proficient as possible, although the EDA currently is doing a great job as well.

Senator BARRASSO. Ms. Neumayr, CEQ has not updated its regulations under NEPA, the National Environmental Policy Act, for decades. Last month, CEQ issued "An advance notice of proposed rulemaking" requesting public comment on potential revisions to these regulations.

Can you explain to us and help us understand what has promoted CEQ to update its NEPA regulations and discuss how permitting delays and spiraling project costs have led to the CEQ's proposal?

Ms. NEUMAYR. Yes. Last August, President Trump issued an Executive Order which addressed environmental reviews and authorization decisions for major infrastructure projects. As part of that Executive Order, he directed the CEQ to review its regulations and

guidance to determine whether there were ways to modernize and make the NEPA process more efficient, timely, and predictable.

We went forward with an advanced notice of proposed rule-making to solicit comment on whether there might be potential updates or clarifications to the regulations that would be appropriate. As you said, they have not been reviewed for over 40 years.

Senator BARRASSO. Senator Carper.

Senator CARPER. Ms. Neumayr, I want to ask you a question to start off about the philosophy you would bring to CEQ as its Chair. Would you say that it would be your primary responsibility as the CEQ Chair to help prevent or eliminate the damage to our environment? Would you say that is your primary responsibility?

Ms. NEUMAYR. Yes, I would say to advance environmental protection.

Senator CARPER. In your view, what are the most important elements of the NEPA process and what changes do you envision proposing to the CEQ NEPA regulations?

Ms. NEUMAYR. The NEPA process is intended to ensure that decisionmakers are informed of potential environmental impacts, significant major Federal actions that may affect the quality of the environment. The NEPA process is also intended to ensure the public has an understanding of the decisionmaking process as well and may participate in that process.

As we discussed, the NEPA regulations were issued in 1978. They have been revised only once in one very limited respect. We have solicited public comment on whether there are potential updates or clarifications that may be appropriate, given the passage of time.

CEQ, over the years, has issued a number of guidance documents relating to implementation. Questions relating to the implementation of NEPA have also been the subject of extensive litigation. We want to see if there are some commonsense revisions that may facilitate more efficient implementation of NEPA without compromising environmental protection.

Senator CARPER. Thank you.

I mentioned win-win situations in my opening statement. One of them relates to the auto industry and emissions from the auto industry from cars, trucks and vans on our roads. A primary source of air pollution is our vehicles. It is one we have made some progress toward addressing. I think we all agree we need to make a whole lot more.

The President met in the White House about 2 months ago with leaders of the auto industry, domestic and some from outside the Country. I think EPA was represented by Scott Pruitt. I think the Department of Transportation was represented its Secretary and Deputy Secretary. Were you at that meeting?

Ms. NEUMAYR. No, I was not.

Senator CARPER. I heard this from any number of people who were there that the auto industry as one said to the President, Mr. President, if you want to help us, you will do this and support this policy with respect to CAF standards, fuel efficiency standards and tailpipe standards.

You will give us support of policies for some near term flexibility in the fuel efficiency standards, near term flexibility. In return for that, we will shoot for a higher target going forward after 2030.

The auto industry said to the President, we don't want California to be thrown a curve along with ten other States that support their position. We want California and these other States at the table.

They said to the President, we want certainty and predictability with respect to these standards. We are going to be building cars for markets all over the world, not just here in the U.S. We do not need to build two versions of the same model for the domestic market and frankly, we don't need to do the same thing for markets outside of the U.S.

So far in my conversations with Andrew Wheeler and Bill Wherum, they basically said in so many words, we want a 50-State solution that actually is good for the environment, the economy, these companies and it is a win-win.

Your views, please? You are going to be in a key position to try to make something like this happen.

Ms. NEUMAYR. As you discussed, this is a matter primarily being addressed by EPA and DOT rather than CEQ but as you say, there is a rulemaking process underway. We do support one national standard. We think that it is important to seek such an approach.

There is an ongoing rulemaking process. As a component of the White House or as the Executive Office of the President, CEQ is participating in that process. We expect there will be a proposal that will be put out for public comment. It will be important to receive comment and inform any future actions based on that comment.

Senator CARPER. I understand it is likely that proposal will not be a 50-State solution. Is it going to be a proposal that will invite further litigation, uncertainty, and lack of predictability? This industry is an important industry.

I would just urge, if you are confirmed and I think there is chance you will be, you could come right out of the starting block. You could, I think, be a force for commonsense and good public policy in any number of ways. I hope you will do that.

My time has expired. May I have a chance to ask one followup question? I just want to come back and ask Dr. Fleming, again the question asked by our Chairman.

There is an old saying in Delaware, people may not believe what you say but they will believe what you do. Again, two times, as I understand it, you voted to defund EDA, the entity you have been nominated to lead. The Administration has now proposed, I think a couple of times for two fiscal years, to defund EDA.

In a State where EDA actually does some really good work, I am sure the same is true in other States, the question I am going to be asking you is you have to make people believe if you are confirmed with this position, with the Administration trying to get rid of this program and you having voted twice to defund, I want to make sure it is still going to be around to do the good work they are doing.

My time has expired. We will come back and talk about it.

Dr. FLEMING. Yes, sir.

Senator BARRASSO. Senator Ernst.

Senator ERNST. Thank you, Mr. Chairman.

Thank you to our nominees for being here today. I would like to start with you, Ms. Neumayr.

The renewable fuels standard is critical to America's farmers. This has been in the headlines as of late. It is an issue that is very important to me, a number of my colleagues and, of course, our rural communities.

In 2016 and 2017, we learned that the EPA, under former Administrator Scott Pruitt's leadership, granted 48 small refinery hardship exemptions of the 53 petitions that had been submitted to the agency.

These waivers effectively reduced the 2016 and 2017 renewable volume obligations by a combined 2.25 billion gallons of biofuels which has significantly weakened the demand for biofuels, has put thousands of our jobs in jeopardy, and truly undermined congressional intent of the law.

Do you believe the RFS should be implemented in a manner consistent with the original intent of Congress, and, if confirmed, would you support the spirit and the letter of the law?

Ms. NEUMAYR. Yes, Senator. I know this is a very important issue and an issue that has been the topic of discussion among senior Administration officials and this body. It is a standard that is implemented by the EPA in consultation with USDA and the Department of Energy.

I can commit, if confirmed, I will seek to support its implementation consistent with the letter and intent of the law.

Senator ERNST. What role do you believe the Council for Environmental Quality should play in the EPA's administration of the Clean Air Act, specifically the RFS?

Ms. NEUMAYR. This is a statutory program, a program that is administered by the EPA, but CEQ, I believe, can play a supporting role in seeking to support both EPA and the agencies with which it consults as they implement the statute.

Senator ERNST. We would certainly encourage you to do that. If you are confirmed, will you be engaging with the biofuels industry, agricultural communities and governing agencies, as you stated, on any issues related to the RFS, meaning all stakeholders?

Ms. NEUMAYR. Yes, I anticipate that we would be. I do think it is important that all stakeholders are heard from and that we act on full information.

Senator ERNST. I appreciate that. I think input needs to come from all stakeholders in order to make an educated decision on these issues.

As you know, E15 is a federally approved blend of 15 percent ethanol and 85 percent regular gasoline. Fuel retailers across the Country want to offer E15 year round. These retailers have invested millions of dollars in infrastructure to help make this possible.

However, we do have an outdated Reid Vapor Pressure regulation which is blocking them from offering E15 during the summer months, which would be June 1 through September 15. The year-round sale of higher ethanol blends like E15 would provide benefits not only to farmers but also to consumers and our environment.

Earlier this year, President Trump called the restriction “unnecessary and ridiculous.” He committed to fixing it by expanding the RVP waiver to higher ethanol blends. If confirmed, will you support the President’s stand and commitment to E15?

Ms. NEUMAYR. As I said earlier, I understand there have been discussions between senior officials, including the President and members of this body, on aspects of the program, including this issue.

I have not participated in those discussions but, if confirmed, I commit that I will seek to support implementation of the law consistent with Congress’ directives and the President’s commitments.

Senator ERNST. Absolutely and I appreciate that the President has reaffirmed many times over that he is committed to E15 and would like to see that year round. He fully supports our farmers and the RFS. We want to make sure we are upholding that commitment to the law and to the President as well.

Thank you very much.

Senator BARRASSO. Thank you, Senator Ernst.

Senator CARDIN.

Senator CARDIN. Thank you, Mr. Chairman.

I want to thank both of our nominees for your public service and your willingness to continue public service.

This committee has a reputation of working together in a bipartisan way to accomplish both economic development and growth through infrastructure and economic development programs, and in protecting our environment.

Sometimes that is difficult in the environment we work in, but we look at your two positions as critically important to working with us to achieve the objective of a safe and clean environment and economic growth in areas that have real challenges for economic growth.

I want to start with the question Senator Carper set out because, Dr. Fleming, you and I have had a chance to talk about this. I just want to make sure I reiterate this for the record.

I enjoyed our conversation. Your background is very impressive. Your own personal life story is very impressive.

We talked this week about the challenges in areas such as rural America and our urban cities not having the same attractions for jobs and economic growth that other communities have. In the rural parts of my State, it is challenging to get companies to locate there. It is a wonderful community but they need to have the attractions so businesses will be able to have confidence to come to those communities and that there is a future.

Senator Carper mentioned your voting history in the House of Representatives. Congress has been very bipartisan in making sure the EDA Program remains and is funded. We would like to get on the record your understanding of what you would do, if confirmed, to carry out the responsibilities of the EDA Program?

Dr. FLEMING. Senator, thank you for that question.

You are right that in public disclosure of the President’s budget, I think last year and this year, the plan is to down scope EDA, no question about that. The story does not end there. A later release of the President’s reorganization plan actually stands up the Bureau of Economic Growth which actually pulls in the authorities

and capabilities of EDA and similar economic development programs from HUD, Agriculture and other things.

This Administration, like every Administration, is having to make difficult decisions about spending. I think the focus is on consolidation, realignment and efficiency. I believe if you look at that, you will actually see given the proper funding, there will be a continuation of, if not all of the authorities, but these are two publicly disclosed documents.

Senator CARDIN. I want to try to hone in on two different scenarios.

Dr. FLEMING. Yes.

Senator CARDIN. One, Congress rejects that and provides the funding for the EDA Program, as we did in this last budget. In your position as the Administrator, what would you do?

Dr. FLEMING. My position is to salute, carry out and execute on everything that is provided to me as goals and commitments. Senator, I had a say in the funding of these departments. I no longer have a say. That is really up to you and the President.

Whatever you scope EDA is the level I will act on. I will spend the dollars for the American people in the most efficient way with stewardship. I will make sure these programs are as effective as they can possibly be.

Senator CARDIN. The second part is as every Administration tries to reorganize, we get a little bit nervous about that because sometimes reorganization means elimination. Will you commit to this committee that you will fight for having at least the same effective tools to assist underserved communities, such as rural America and our urban centers, that the EDA currently provides, that you will fight to maintain that Federal ability?

Dr. FLEMING. Senator, I really enjoyed our visit the other day. As I mentioned to you, I come from a rural area. My congressional district is very rural. We have areas that are very underserved when it comes to broadband and other things.

Absolutely, I am committed to that. EDA has a fantastic history. As I mentioned before, two to one dollars go to rural areas and commitments in that way. I will continue and strengthen that commitment.

Senator CARDIN. Thank you.

Ms. Neumayr, all you have to do is say you will do everything for the Chesapeake Bay and you and I are going to get along fine.

Ms. NEUMAYR. I know the Chesapeake Bay is very important, Senator. I know that we have many Federal agencies engaged. I look forward to supporting them as they work on restoration protection efforts pursuant to the agreement and all of the related documents that have been issued and are being implemented now.

Senator CARDIN. Fortunately, we get two bites at every one round. With Senator Van Hollen here we get two bites today.

Thank you very much, Mr. Chairman.

Senator BARRASSO. Thank you, Senator Cardin.

Senator FISCHER.

Senator FISCHER. Thank you, Mr. Chairman.

Thank you, Ms. Neumayr for your testimony.

I appreciate you meeting with me to discuss your priorities to serve on the Council of Environmental Policy. In our meeting, we

discussed that my constituents want certainty and consistency for the entire Federal permitting process.

As I am sure you have heard many times throughout your career, inconsistency and uncertainty lead to frustrations, project delays and increased costs that come at the expense of hard-working families and taxpayers.

For example, a street widening project in Omaha that would alleviate congestion in a high density area began in 2008. It was estimated to initially cost \$14.5 million. Due to these burdensome Federal regulations and permitting process, this project is now going to cost Omaha taxpayers \$146 million.

Ms. Neumayr, taxpayer money is evaporating under the current permitting process. I commend the President for the actions he has taken to streamline the process, specifically, this Administration's commitment to complete all environmental reviews and Federal authorizations for important infrastructure projects in 2 years.

Should you be confirmed, what role will the CEQ play to advise the President in collaboration with Federal agencies on promoting policies that ensure stakeholders have a clear road map before the Federal review process while still protecting our environment?

Ms. NEUMAYR. Thank you, and thank you for the opportunity to meet with you last week.

CEQ's core responsibility really is with respect to overseeing the implementation of NEPA across Federal agencies. We have been working very closely with agencies already to implement the One Federal Decision policy which sets forth the goal of an average of 2 years for completion of an environmental review, starting with the Notice of Intent and completing with the issuance of the Record of Decision.

CEQ has worked with Federal agencies to develop a memorandum of understanding involving all the key agencies, setting forth what roles and responsibilities they will play as they approach some of these large infrastructure projects.

In particular, it outlines a process whereby the lead agency will develop a single schedule, a joint schedule. The agencies will develop a single environmental impact statement and a single rod. They will do so in a very coordinated way so that we can ensure there is good communication, good planning early in the process, and that issues are resolved in a timely way, so deadlines are not missed, so we can achieve the important goals of protecting the environment; but also having an efficient process so stakeholders can act and finance these projects and receive decisions in a very timely manner which is important from the standpoint of costs and environmental protection. Because many of these projects are important for protection of the environment.

Senator FISCHER. Exactly. I appreciate that you are thinking ahead to that because it is extremely important that our States and local stakeholders have a clear set of guidelines and a clear understanding of what is expected in this permitting process, if we are going to see it be streamlined so that we can save taxpayer money.

An important provision to streamline that infrastructure permitting process is the State assumption of NEPA authority for projects

under the Federal Highway Administration, known as NEPA assignment.

Congress has endorsed this policy twice, first under SAFETEA-LU and later under MAP-21. NEPA assignment will speed up project permitting while maintaining our environmental standards??????

I was pleased to see earlier this week that the Federal Highway Administration has issued that proposed Memorandum of Understanding with the Nebraska Department of Transportation. I think that is extremely important.

Do you agree the Federal Highway Administration's NEPA assignment authority has improved the permitting process in States that have implemented it?

Ms. NEUMAYR. Yes. This is an area in which I believe CEQ has been involved for a period of time. Yes, we believe it is important and something that can help to facilitate timely completion of the process.

Senator FISCHER. Do you think it is important to have those MOUs be expanded in order to have States have more control and input over projects within their borders?

Ms. NEUMAYR. Yes, I very much agree that those are valuable with respect to these matters.

Senator FISCHER. Thank you very much.

Thank you, Mr. Chairman.

Senator BARRASSO. Thank you, Senator Fischer.

Senator WHITEHOUSE.

Senator WHITEHOUSE. Thank you, Mr. Chairman.

Welcome, Ms. Neumayr. I am glad you are here. I have a couple of fairly quick questions.

First, do you understand and appreciate the consequences of climate change and carbon pollution on our oceans and coasts, including warming, deoxygenation, sea level rise and ocean acidification?

Ms. NEUMAYR. Yes, I understand these are important issues, particularly to coastal communities.

Senator WHITEHOUSE. Your Ocean Policy Executive Order "recognizes and supports Federal participation in regional ocean partnerships." We have a very robust regional ocean partnership in New England. Do you pledge to support its continued efforts and provide Federal support for it?

Ms. NEUMAYR. Yes, we do.

Senator WHITEHOUSE. You also have recognized, in that Executive Order, the importance of ocean data and monitoring, a priority for the bipartisan Senate Oceans Caucus. Will you work with Senator Murkowski and me on bipartisan legislation being drafted right now within the Oceans Caucus to help make sure we provide a strong ocean data monitoring piece of legislation?

Ms. NEUMAYR. I am not familiar with that legislation.

Senator WHITEHOUSE. I am asking you if you will work with us?

Ms. NEUMAYR. Yes, we will work with you. One of the priorities of the Executive Order is to expand access to Federal data.

Senator WHITEHOUSE. Finally, we have, with Senator Sullivan leading on the Republican side, with important support from Senator Inhofe from a State that does not have a coast, passed a very important marine plastic waste legislation.

I would like to propose to you that there are big wins to be had in this area and that it is very bipartisan. The bill passed the Senate by unanimous consent. I believe it just cleared the House committee in a voice vote.

There are significant opportunities. CEQ has the chance to engage with the trade and outward-looking elements of the Administration because a lot of the plastic waste originates in foreign countries from terrible waste disposal practices.

I would ask your interest in helping us work with the Administration on those issues abroad.

Ms. NEUMAYR. Yes. I think this is an important issue. I think this is an issue we would like to work closely with you on going forward.

Senator WHITEHOUSE. For the record, Mr. Chairman, I would like to ask unanimous consent to put into the record of these proceedings the American Chemistry Council announcement of its retaining of Cal Dooley, who we worked very well with particularly on the TSCA bill, which over and over and over and over and over states the importance to the American Chemistry Council of dealing with the plastic waste and plastic debris problem and pledges Cal's support. He calls it "an imperative and an issue of personal as well as professional interest." I think there is a real opportunity for us to do more in this space.

Senator BARRASSO. Without objection.

[The referenced information follows:]

7/19/2018

Dooley to Remain at ACC Through the End of 2019

American Chemistry Council Dooley to Remain at ACC Through the End of 2019

Contact Us

Anne Kolton
(202) 249-6500

WASHINGTON [June 11, 2018] – The American Chemistry Council (ACC) today announced that Cal Dooley has agreed to delay his retirement and extend his tenure as President and CEO through 2019. In April, Dooley announced his intention to retire at the end of 2018. The decision to delay retirement comes after ACC's Annual Meeting which took place June 4th through June 6th in Colorado Springs, CO, where the board of directors agreed that the chemicals and plastics industry must take a global leadership role to reduce and ultimately eliminate plastic waste.

"Cal's leadership at ACC has been essential to the industry's success in recent years. As ACC members embark on an effort to reduce and eliminate plastic waste in the years to come, the ACC officers felt strongly that Cal's experience and leadership were essential to aligning the global industry around a coordinated strategy," said Bob Patel, ACC Chairman and Chief Executive Officer of LyondellBasell. "With a little arm twisting and agreement from his gracious wife Linda, we were able to convince Cal to stay on to lead the development of this critical effort."

"The global chemicals and plastics industry has an imperative to fight the spread of mismanaged plastic waste that is increasingly littering our rivers, oceans and landscapes. While plastic products provide countless health, safety, lifestyle and sustainability benefits, those benefits cannot be fully realized unless we take swift and aggressive actions to make the most of all resources and leverage technology to dramatically increase rates of reuse, recycling and recovery of all plastic products," said Dooley. "Ending plastic waste is an issue of personal, as well as professional interest, and I am excited to help lay the foundation for a sustained, global industry effort to address it."

Korn Ferry International was retained to conduct the search for Dooley's replacement when his retirement was announced in April 2018. With Dooley's announcement today, Korn Ferry's efforts have been suspended, but they will resume their search in mid-2019.

<https://www.americanchemistry.com/Media/PressReleasesTranscripts/ACC-news-releases/Dooley-to-Remain-at-ACC-Through-the-End-of-2019.html>

Senator WHITEHOUSE. Dr. Fleming, in Rhode Island, we have a very good working relationship with the regional EDA office based in Philadelphia. I would appreciate it if that not be disrupted in any particular way. We are happy with the way the organization operates and the attention we get, even though we are getting it from Philadelphia.

Do you have any plans to disrupt them?

Dr. FLEMING. Senator, I have absolutely no plans to disrupt that or any other district office.

Senator WHITEHOUSE. A lot of our work with EDA has revolved around either disaster recovery, particularly along the coast and along flooded riversides and involves some of the projections, concerns and things we are already seeing having to do with climate change, sea level rise, ocean acidification, and all of that.

When Rhode Island comes before you and bases requests for EDA funding on science that is out there projecting sea level rise, heightened storm surges, ocean acidification, species shifts and other ocean consequences of climate change, how will your past record on these issues influence your willingness to accept our requests?

Dr. FLEMING. Senator, as we mentioned in our meeting, and thank you so much for having me for that meeting, probably no State has been more devastated and affected by the coastline issues of hurricanes and so forth than Louisiana, my home State.

In fact, Louisiana is losing I believe, I am not absolutely certain about this, but something in the area of an acre a day of coastline.

Senator WHITEHOUSE. Yes. Your Governor has declared your whole coastline in a State of emergency, I believe.

Dr. FLEMING. Exactly. As we are being affected the most and as someone who does come from a science background, not from climate science, of course, but from medicine, it is my feeling to always follow the science and listen to what the scientists tell us.

Senator WHITEHOUSE. We need not fear that the science supporting some of our applications will be deprecated by you in the review process?

Dr. FLEMING. Absolutely, Senator. You should not fear that at all. We are going to go where the scientists lead us with the best of technology and research. We will go that route.

Senator WHITEHOUSE. Thank you.

Thank you, Mr. Chairman.

Senator BARRASSO. Thank you, Senator Whitehouse.

Senator CAPITO.

Senator CAPITO. Thank you, Mr. Chairman.

Thank both of you for being before us and for your willingness to serve. It is nice to see you again, Dr. Fleming, after having the joy of serving with you on the House side. I have deep respect for you. Thank you for your visit.

I am going to kind of go down the same path as we went through in my office. The EDA has been increasing its presence in West Virginia. We have our own State director now at my insistence when I entered the Senate when I felt West Virginia was falling a bit behind.

I have a list here of the projects EDA has worked with, 2,100 jobs over the last 3 years but also some of the dollars are specific

to what is called the power grants which are directed at not just communities that have fallen on hard times but by virtue of the extremely devastating downturn of the coal industry over the last several years.

What is your feeling on the power grants? I would hope these would still be a set aside for the economic devastation we still see, to get people retrained and back on their feet. I would like a commitment that the power grants, at least with an emphasis on those distressed areas in Appalachia, would still be a focus of EDA under your stewardship.

Dr. FLEMING. Senator, it was great becoming reacquainted with you once again, from the House days.

Yes, you have my total commitment on that. Again, West Virginia, like Louisiana, has got to diversify its economy away from the traditional lines of economic support. I am happy to support that and other programs that may assist.

Senator CAPITO. One of the areas in which I think you and I have common ground is the lack of deployment of rural broadband where EDA can really be a real jump start in this area working with the private sector and some of the State municipalities.

Again, upon your confirmation, I would like to invite you and have one of your first visits be to our State of West Virginia to see some of the innovative things we are doing and how EDA can help us move forward in that direction.

Dr. FLEMING. I would love to visit your beautiful State. I think you are absolutely on point with that. Even in rural areas across America, when you have fiber broadband, you can set up a factory or any type of company and do worldwide interactions economically.

That is something that brings a lot to the table and I think will help renew economies across America and rural areas but it is fundamental to have broadband in order to do that.

Senator CAPITO. It absolutely is.

In a repetitive fashion, I expressed my concerns to you with the President's budget. I expressed to you concerns of your past votes in the House. Is there anything besides a firm commitment that you are now going to go in the direction of the Congress where the Congress sets the funding level?

There is passion behind everything. If you are not really passionate about something, I would imagine an Administrator could find ways to be less helpful. If you could give me an affirmative statement here, maybe flesh it out a bit more, I would feel better.

Dr. FLEMING. Thank you for the opportunity to do this, Senator.

Again, I come from a private sector background. I am a strong believer in the private sector driving the economy. Where else, what other agency in the Federal Government leverages and attracts capital from the private sector more than the Economic Development Administration?

Again, as I mentioned earlier, we are talking about a 15 to 1 ratio of return on investment of Federal dollars against non-Federal dollars. To me, that is totally consistent with my core beliefs now and in the past. I am committed to making that even more successful in the future.

Senator CAPITO. I appreciate that. Thank you.

Ms. Neumayr, I think you are a fantastic candidate for this. The one thing I would say was the Congressman from Michigan that introduced you, I don't know about that guy. I am, of course, joking about my friend, Fred Upton.

Let me ask you a question, a basic question. I am putting myself in the Chesapeake Bay Caucus as well, because West Virginia is very influenced by that as well since we have the head waters of the Chesapeake Bay in our State.

Over the years of my service, it seems that environmental regulations or balancing the environment and the economy, depending on the philosophy of the President or maybe the director, things kind of go up and the answer received is, well, it is being considered by CEQ.

In some cases, it seems like a wasteland of shelving certain projects or maybe expediting other projects. How can you help me with the affirmative yes-no equation, which I think helps for investment, helps for States and local entities to be able to plan, rather than just using CEQ in some ways as a holding pattern? That is just the way it struck me in the past.

Ms. NEUMAYR. CEQ does have a convening role where there are issues, particularly involving multiple agencies. CEQ frequently plays that role. I think it is an important role. However, it is important also that we do reach decisions, make determinations and move forward. I think that is a priority for this Administration with respect to matters involving the implementation of NEPA and other statutes as well.

Senator CAPITO. Thank you. I would just say, yes and no, people can accept yes or no. It is this maybe la la land that I think really harms the ability to move projects or ditch them if they are not going to work.

Ms. NEUMAYR. It is important to reach a decision.

Senator CAPITO. Thank you.

Senator BARRASSO. Thank you, Senator Capito.

Senator BOOKER.

Senator BOOKER. Thank you very much, Mr. Chairman.

As I have delved into the data, I have been really surprised since being a United States Senator over the last four-plus years, the compelling data that shows that low income communities in America, particularly indigenous communities where Native Americans are and communities of color, are much more likely to live in seriously challenging environmental conditions and hazards.

I learned this first as a mayor where I was sort of shocked to discover how toxic the soil is in the city of Newark from years of industrial use. Our Passaic River was stolen by past generations who poured industrial wastes into the river, which is now a Superfund site.

I found it was not just Newark. You can go around the Country and see there are a thousand jurisdictions where the children have higher blood lead levels than Flint, Michigan. I have traveled through the South and seen industrial waste from pig farming in Duplin County to the highlands of Alabama where I was stunned to see the kind of toxic dumping that has gone on, people who have been on this land since slavery and it is now stolen from them.

I have seen a place literally called Cancer Alley in Louisiana between Baton Rouge and New Orleans, again, a low income community, where the particulate matter is so much higher. I sat in a painful church gathering where community member after community member came up and told me how many people had died in their families due to cancer because of all the chemical companies aligned there.

What you are up for confirmation for, in many ways, has got to be to protect the most vulnerable communities where cancer rates, respiratory diseases, lead poisoning is really targeting communities that are often the most vulnerable.

CEQ plays a pivotal role in this and having someone with compassion, empathy and an understanding of the urgency is key. Recognizing the importance of the procedures under NEPA for identifying and addressing environmental justice concerns, President Clinton's CEQ issued Guidance 97 entitled The Environmental Justice Guidance Under the Environmental Policy Act, which it seems you are aware of.

To me, it is so critical, so unfair. You know this. You don't even need to have lead poisoning; if you have elevated blood lead levels, it addles the brain and undermines the executive function. It could lead to more criminal activity in so many of these communities. This is just some of the heavy metals that are present.

I guess what I am looking for today is some solace and a commitment that you are going to keep this environmental justice, not just guidance, but really urgency, to see what I have seen around this Country just by dealing with this issue.

Will you commit to take no action that really undermines implementation of such guidance?

Ms. NEUMAYR. Yes, Senator. CEQ did issue guidance in 1997 pursuant to the Executive Order. CEQ continues to participate in an interagency working group that is lead by EPA that addresses implementation of the 1994 Executive Order.

I do believe all people, including those in low income and minority communities, should live in a safe and healthy environment. My commitment would be to make addressing environmental concerns in those communities a priority.

Senator BOOKER. I am really grateful. I am hoping that my office and yours can work together because the things I have seen, now traveling around the Country, have just been simply stunning to me and the sense that there is no one fighting for them, no one looking out for them as their families suffer not only economic losses, again, common stolen from them, but also struggle with the health impact it is having on folks and the disadvantages they have for children and elderly in particular.

The second thing I want to cover with you as quickly as I can in the minute I have left is the Gateway Project in my region. I am a mayor who seared away economic, seared away in many ways partisanship for me. For me it has always been fix stuff, get stuff done, get out of the way of the private sector that the gentleman was talking about. I was all for how do you create economic growth. But just a balance sheet analysis, a dollar invested in infrastructure in the United States produces about two dollars.

In the greater New York metropolitan region, I am sorry, Senator, but I like to call it the greater Newark Metropolitan region, a dollar invested in infrastructure in our region produces three to four dollars in private sector economic development.

I had such struggles when I was Mayor in my development efforts with our State environmental agencies, bureaucracy, and red tape. I was really pleased that we got a commitment from the Department of Transportation and others that they would complete the environmental impact statement rapidly. One of the key things stopping us from getting this done is a report from government bureaucracy.

For me, searing away partisanship, I was thrilled to hear that the Trump Administration wanted to cut red tape, wanted to get projects done, but I have been sort of frustrated that we are not getting responsiveness from the Administration to some of the things necessary to create that economic development growth in the Newark metropolitan region and that small city of New York that sits in our shadow.

The program submitted the EIS report in February 2018 in what was poised to be a remarkable example of NEPA working at its best, including stakeholders' perspectives and ensuring project moves, to me seemed to be, and I do not mean to be cynical, a political maneuver now. That EIS has still not finalized this report, blowing well past the 24 month goal which is costing taxpayers millions and millions of dollars because of this bureaucratic sclerotic moment and threatening safety.

You said one of your key tasks at CEQ will be to ensure "more timely and efficient environmental reviews for major infrastructure projects." In your opinion, help me out here. Dispel my cynicism.

Is the treatment of the Hudson River Tunnel EIS consistent with the Administration's goal of reducing review times? Will you keep my staff abreast of driving this forward so we can show people the Administration's rhetoric lines up with their actions?

Ms. NEUMAYR. I, myself, have not been personally engaged on that matter but I can commit that I will work with you and your staff. As we have said, it is very important that we complete these reviews in a timely manner.

Senator BOOKER. Thank you very much.

I apologize to the Chairman and my colleagues for going over my time. Thank you.

Senator BARRASSO. Thank you, Senator Booker.

Senator Van Hollen.

Senator Van Hollen. Thank you, Mr. Chairman.

Welcome to both of you.

First, I do want to associate myself with Senator Booker's remarks regarding the disproportionate impact and fallout of pollution and negative health events on low income communities. I look forward to working with him.

Senator Cardin raised the issue of the Chesapeake Bay, Ms. Neumayr. One of the big issues in the Bay, of course, is climate change. We have rising sea levels and a number of islands in the Bay are projected to disappear in the coming years.

If you talk to the superintendent of the Naval Academy in Annapolis, he already talks about the negative impact of flash flooding on their operations there in Annapolis.

The first question is a very straight forward question which is, do you believe in the scientific consensus that climate change is real and that its primary driver is human-based generation of carbon emissions?

Ms. NEUMAYR. I agree that the climate is changing and that human activity has a role.

Senator Van Hollen. One of the things the courts have found is that as part of NEPA reviews, we should consider the impact of carbon emissions and climate change. The Center for Biological Diversity v. The National Highway Traffic Safety Administration court case in 2008 determined "The impact of greenhouse gas emissions on climate change is precisely the kind of cumulative impacts analysis that NEPA requires agencies to conduct."

My question is this. Last spring, President Trump revoked CEQ's guidance to agencies on how to incorporate climate change into Federal environmental reviews. Yet, you have court decisions saying this is going to be an important element they are going to look at.

My question to you is how has the withdrawal of that guidance impacted NEPA reviews, given the uncertainty now in the courts?

Ms. NEUMAYR. As you said, last spring, the President issued an Executive Order which directed CEQ to withdraw the climate guidance that had been issued in August 2016. CEQ did withdraw that guidance for further consideration and we have not made any decisions with regard to further action.

However, as I mentioned earlier, CEQ has issued an Advance Notice of Proposed Rulemaking inviting comment on whether there are potential updates or clarifications to our regulations. I expect we will receive comment on issues related to greenhouse gases, climate change and their consideration in the NEPA analysis.

Senator Van Hollen. I guess my question is this. Do you agree if that is not considered as part of the NEPA review process and guidance pursuant to the President's decision to eliminate that, that will make any NEPA analysis more vulnerable to attacks in the court?

Ms. NEUMAYR. Under NEPA, agencies are required to review the potential environmental consequences of major Federal actions that may significantly affect the quality of the environment.

In that process, agencies have discretion as to the effects they will consider and the degree or how they consider those effects. That is the general direction under NEPA. Under the NEPA framework, agencies have discretion with respect to different projects.

Senator Van Hollen. I am just trying to interpret what you are saying more clearly. Are you saying agencies will still have the capacity to take into account the impact of climate change when they do their own NEPA analysis?

Ms. NEUMAYR. Agencies should use their experience and expertise as they conduct these analyses and identify the effects.

Senator Van Hollen. Dr. Fleming, it is good to see you. It was good to serve with you in the House.

When we met, I told you EDA plays a really important economic development role in the State of Maryland. I told you I was going to ask you this question. Not only did the Trump Administration zero this out, but I also serve on the Appropriations Committee and we asked Secretary Ross about the budget which proposes to eliminate EDA. His response has been it is a good organization but this is the budget I have been handed.

You, as a House member, voted at least twice for budgets that would eliminate funding for the EDA. My question is, how can you be a strong leader for an administration that you voted to eliminate?

Dr. FLEMING. Thank you for that question, Senator. Again, it was a pleasure seeing you once again and meeting with you after our days in the House together.

As I mentioned earlier, I was elected in 2008 to be a good steward of our budget, to try to reduce Federal spending. I did what I could in order to do that.

Going forward, I have developed a great appreciation for the work EDA does. In fact, more than any agency, it is consistent with, I guess, my values, that what agency in the Federal Government attracts private and non-Federal dollars anymore than EDA for the creation of jobs, goods and services?

The downsizing of the budget is not the end of the story here because a later document released by the White House actually stands up the Bureau of Economic Growth which takes in all the functions of EDA and other economic development functions from HUD as well as Agriculture and others.

I think what the document suggests is a streamlining and efficiency that is so important and necessary in government, which I support as someone who wants to keep a careful eye on our budget.

I commit this to you. At the end of the day, it is up to you, as a Senator, the Senate and the House, working with the White House, to right size government, particularly EDA. I will faithfully execute whatever level of funding and authorities you provide.

Senator Van Hollen. I appreciate that. I think you made a very good case in your testimony today for the benefit to taxpayers of investment in EDA. The issue, as I said, is having voted to eliminate it, how can you be a strong leader but I look forward to continuing our conversation.

Dr. FLEMING. Thank you.

Senator BARRASSO. Thank you, Senator Van Hollen.

I would like to invite Senator Markey to engage in questioning at this time.

Senator MARKEY. Thank you, Mr. Chairman, very much.

Ms. Neumayr, President Trump has conducted a full blown assault on facts throughout his Administration but he has been most erratic when it comes to questions of science and environmental protection.

Since the Council on Environmental Quality coordinates the National Environmental Policy Act, the environmental review process, I would like to get some clarification from you on some basic statistics.

Across all agencies, what is the average length of time it takes to complete an environmental impact statement?

Ms. NEUMAYR. Senator, we have been analyzing environmental impact statements going back to 2010. The average time across all agencies is approximately four and a half years from the time of notice of intent to preparing an environmental impact statement to the issuance of a record of decision.

This does not include the time that may have been taken to prepare the application.

Senator MARKEY. It is approximately 4.6 years. That is the average, so you are correct.

In a press conference last year, President Trump said he has heard “many, many stories where it takes 20 to 25 years just to get approvals to start construction of a fairly routine highway.” This is Donald Trump still speaking, “and that one agency alone can stall a project for many, many years, even decades.”

Is that example, a 20 to 25 year-long review, reflective of the average time it takes to finish an environmental impact statement?

Ms. NEUMAYR. Well, as I said, the average time is four and a half years, but, within that, it can span a decade or more. There are some that have exceeded 20 years, I believe.

Senator MARKEY. Right, but the average is 4.6 years?

Ms. NEUMAYR. For transportation projects, it may be higher than that.

Senator MARKEY. I think at the end of the day, the 4.6 years is the average. We know it is a little bit over or a little bit under, but it is not 20 to 25 years. The President just uses that as a way of stigmatizing the efforts to have real environmental reviews working within a historical framework.

From my perspective, I just think our policy should be based upon expertise and not upon exaggeration. I am afraid increasingly that is where the President is taking our debate.

What percentage of projects at the Department of Energy required an environmental impact statement or environmental assessment since 2010? Do you know?

Ms. NEUMAYR. I do not have that information. I could followup.

Senator MARKEY. The answer is about 2 percent, 2 percent according to a review conducted by the CEQ staff of 2010 to 2016 data, 2 percent. That seems to be the trend across Federal agencies.

According to the Federal Highway Administration, around 90 percent of their projects do not have to go through any review at all. Ninety percent of the transportation projects do not have to go through any review at all.

Here is another fact. The National Environmental Policy Act is the Magna Carta of environmental policy. Despite NEPA’s importance and the long record that shows how important this law is, President Trump just continues to insist on telling exaggerated stories about NEPA.

He might as well be describing an imaginary decades of delay on the construction of the Yellow Brick Road. There was no environmental impact statement for that and there is no environmental impact statement for 90 percent of the projects in our Country.

I am deeply concerned that at the same time as President Trump is making these exaggerated statements that CEQ has begun the process of rewriting nearly every aspect of the National Environ-

mental Protection Act regulations for the first time in decades. We cannot live in a land of make believe while making new rules. We need a CEQ Chair who can see through the fiction to get to the facts.

The National Environmental Policy Act provides the framework by which the public can speak out against projects that could harm public health and environment. Ms. Neumayr, will you commit to performing public outreach so that communities on the ground know how and when they can use NEPA to make themselves and their concerns heard by the government?

Ms. NEUMAYR. Yes, we think public engagement is very important. I would say since I arrived at CEQ, one of the things we have done to improve public engagement and to ensure it is to move our system to the regulations.gov system so that as we solicit public comment on things like the Advance Notice that we issued, those public comments will be available and accessible to the public as well as all of CEQ's prior actions as well, regulatory actions that have been published in the Federal Register.

Senator MARKEY. You can do two things. One is to update the Citizens Guide to the National Environmental Policy Act which explains how everyone can use NEPA to have their voices heard and participate in environmental reviews which have not been touched in over a decade.

Second is to meaningfully include the public in the CEQ's current push to rewrite the implementing regulations for NEPA which could completely alter this landmark environmental law.

Ms. Neumayr, would you commit to holding at least one public field hearing per EPA region on this rulemaking so that the public can be involved in the rewrite of this fundamental, constitutional Magna Carta environmental law?

Ms. NEUMAYR. We have issued an Advance Notice of Proposed Rulemaking. It is not a regulatory proposal. We have not made the decision to move forward with a proposed rule but should we make that decision, I will commit that we will consider all of our options with respect to public engagement.

Senator MARKEY. You will have a hearing in all of the regions of the EPA?

Ms. NEUMAYR. We will consider all of our options. We think public engagement is very important.

Senator MARKEY. It is a huge moment, honestly, as you consider the rewrite. I just urge you to have this process happen in the sunlight and not in the shadow of President Trump's tall tales about NEPA. That is going to be your challenge. We will be putting more pressure on you as each day goes by to make sure the public hears what is going on. I wish you would make a firmer commitment in terms of public input.

Senator BARRASSO. Thank you, Senator Markey.

Before turning to Senator Carper, I want to submit for the record an article from the E&E News entitled, Even Some Greens Like Trump's Pick for CEQ. The article explains that "Ms. Neumayr is known for preparation, possession of a sharp legal mind and establishing balance. This has earned her praise across the political spectrum."

The article goes on to quote John Walke, Director of the Federal Clean Air, Climate and Energy Program at the Natural Resources Defense Council, the NRDC. He says, Ms. Neumayr, "is a good selection for the Administration to oversee CEQ." Mr. Walke goes on to say, "I think she will do her job well."

I ask unanimous consent to enter this in the record. Without objection, it is submitted.

[The referenced information follows:]

Even some greens like Trump's pick for CEQ

Zack Colman, E&E News reporter

Published: Thursday, June 14, 2018

If there's one place opponents don't want to see Mary Neumayr, it's the court — both the legal kind and the one with tennis balls.

Neumayr, the White House's nominee to lead the Council on Environmental Quality, is known as a meticulous and thoughtful legal scholar with decades of experience at private firms, in the federal government and on Capitol Hill, said Karen Christian, a former colleague. She's also an "excellent tennis player."

"I always joke that Mary probably plays tennis like she lawyers," said Christian, general counsel on the House Energy and Commerce Committee, who has heard about Neumayr's racket skills but hasn't played against her. "Devastatingly accurate and doesn't make errors."

"Which is why she would probably beat me," Christian said with a laugh.

All Neumayr has to do now is beat the Senate.

It's a task the last CEQ nominee, Kathleen Hartnett White, couldn't accomplish in her bid to lead the environmental shop. Her nomination failed in February when it became clear she didn't have the votes ([*Greenwire*](#), Feb. 3).

In almost every way, Neumayr is a reversal of Hartnett White. The latter was a Washington, D.C., outsider who stumbled in her confirmation hearing, was dogged by a long history of controversial remarks and questioned basic climate science. Neumayr is known for preparation, possessing a sharp legal mind and establishing balance. That has earned her praise across the political spectrum.

"She is a good selection for the administration to oversee CEQ and certainly a stark contrast with the conscious outlier and extreme figure that they initially selected," said John Walke, clean air director with the Natural Resources Defense Council.

Those who have interacted with Neumayr said she's a courteous person and works well with a range of opinions. Some say it's because she comes from a big family — she's known to host annual holiday parties and tries to develop meaningful relationships with co-workers. She's a steadying presence in an often chaotic town.

"She always made a point of coming down to the witness table after the hearing to thank me for my testimony, which doesn't always happen — especially for those whose bosses don't always take the same position of NRDC," Walke said. "I think she will do her job well. She is not a bomb thrower, and she is not someone who governs through sound bites and shrill press releases."

Neumayr is already doing the job. She's the chief of staff for CEQ, a department without a chief. That has left her to coordinate environmental policy across departments and agencies on everything from the administration's infrastructure push to executing executive orders designed to speed fossil energy development.

Neumayr's views on climate change aren't known, even to those who worked with her. As counsel, her job was to help mold the wishes and desires of administration officials and

lawmakers into something legally palatable. She took what was coming at her and tried to fit the pieces together.

That, too, will be her role in the Trump administration, should the Senate confirm her. As head of CEQ, she would be responsible for handling White House implementation of the National Environmental Policy Act, the law that sets the guideposts for environmental reviews and safeguards. Given the White House's emphasis on reducing regulations, speeding permitting and extracting more coal, natural gas and oil, her position holds sway over how vigorously the Trump administration upholds environmental standards.

"I think she combines the best of being a true believer — a good, solid pro-business Republican — with just being very, very knowledgeable about how the executive and legislative branches implement the laws and deal with the laws," said Jim Barnette, a partner at Steptoe & Johnson LLP who worked with Neumayr when he was Energy and Commerce Committee general counsel until 2012.

Barnette said she brings "a wealth of experience" to the position. Before joining CEQ, Neumayr worked in various positions on the Energy and Commerce Committee beginning in 2009. Prior to that, she was deputy general counsel for environment and nuclear programs at the Energy Department and counsel to the assistant attorney general in the Justice Department's Environment and Natural Resources Division under President George W. Bush.

"She's one of the most conscientious, hardworking and thoughtful energy policy staffers in D.C. with deep experience in a wide range of law and policy," said Maryam Brown, vice president of federal affairs with Semptra Energy. Brown and Neumayr worked together on the Energy and Commerce Committee before Brown moved onto then-House Speaker John Boehner's (R-Ohio) staff, where they kept in contact on energy and environment legislation.

Neumayr's expertise is on the Clean Air Act. She played a key role advising House Republicans during their push to rein in Obama administration power plant regulations on mercury and other air toxins and greenhouse gas emissions.

"Her knowledge of the law is second-to-none. She knows her stuff," Rep. Fred Upton (R-Mich.), who led the committee at the time, said in a statement. "I have zero doubts that she will serve the Council on Environmental Quality with distinction."

Colleagues said Neumayr is grounded in legislative history and congressional intent of the law, which has translated to more narrow readings of executive power for measures to reduce greenhouse gas emissions. Consequently, she played a key role in shaping **H.R. 910** in 2011, the first legislative salvo aimed at President Obama's attempts to regulate greenhouse gas emissions through the Clean Air Act. The House bill called for barring EPA from using the Clean Air Act to regulate planet-warming gases. It passed the House but failed in the Senate.

"Given her background and experience, she, more than most others, was able to bring to the table that wealth of experience in the Clean Air Act, how it gets implemented and what its appropriate parameters should be," Barnette said.

Senator BARRASSO. Senator Carper.

Senator CARPER. Thank you, Mr. Chairman.

Are your nieces still here?

Senator BARRASSO. Yes, they are.

Senator CARPER. Is one still here?

Ms. NEUMAYR. They are both here.

Senator CARPER. Ladies, how is it going? Good. Is she doing OK? All right, fair enough.

I could only say I would never have brought my sons or my nephews to a hearing like this. It is rather extraordinary that they are still here and hanging in. We applaud them.

Senator Markey raises an important issue for all of us. I hope you will take to heart what he said because he is not just speaking for himself.

A couple of our colleagues, Senators Whitehouse and Van Hollen, talked a bit about resiliency with respect to climate change reality. I am glad to hear that you acknowledge that it is real and that, we, as human beings, have a fair amount to do with it.

Making our communities more resilient to the new climate reality can save lives and can save billions of dollars. It can be a real win-win. President Obama agreed which is why he implemented policies that increased U.S. climate preparedness and resiliency.

President Trump has revoked or weakened those efforts. I have called on the President to change course in that regard.

Let me ask what is CEQ doing today to help our communities become more resilient? You have had a year or so, actually more than a year. What is CEQ doing today, what have you been doing in the last couple months or last year to help make our communities more resilient?

Ms. NEUMAYR. We have been working with the Federal agencies, as I described earlier, to help develop and put in place an approach for important infrastructure projects that will help to provide a more efficient and coordinated process for the Federal Government in making decisions.

These projects include not just transportation projects, modernization projects, energy projects or other projects, but also include environmental restoration projects and environmentally beneficial projects.

We have been working to put in place a more efficient and coordinated approach for the Federal agencies going forward so that we will be able to move forward with new, modern and resilient infrastructure and that we will be able to reach permitting decisions in a timely fashion.

We think the development of strong and resilient infrastructure is very important and is a priority.

Senator CARPER. Thank you.

Mr. Chairman, I have one more question. Before I do, I want to ask unanimous consent to clarify for the record. This is in response to your answer to Senator Markey about transportation review times.

I want to ask unanimous consent to clarify for the record information from the Federal Highway website of estimated time required to complete the NEPA process. It indicates the median time to complete a highway environmental impact statement is 3.6

years, which is actually lower than the Federal agency-wide average. I would ask unanimous consent to submit that.

Senator BARRASSO. Without objection.

Senator CARPER. I just showed the Chairman a quote that I could not remember who said it but I thought it was a quote that was relevant for our hearing today. The quote is from a former leader at Notre Dame, a fellow named James Frick. He said, "Don't tell me where your priorities are; show me where you spend your money and I'll tell you what your priorities are." I think that is pretty good.

We have come back again and again and again to funding for EDA. I asked my staff during this hearing, Dr. Fleming, to go back and look at this current Administration's budget proposals for some of these regional commissions focused on economic growth and development.

There is one called Denali for Alaska, one called Delta you are familiar with, there is another for our northern borders, and CDBG as well and EDA. Those are five of the entities that would be under the Administration's reorganization plan that would help create what I think is called the Bureau of Economic Growth.

Dr. FLEMING. Yes.

Senator CARPER. Here is an interesting thing. While the Administration has proposed to combine these five entities into this new Bureau of Economic Growth, for Denali last year or this year, zero funding; for Delta, zero funding both years; for northern borders, zero funding for both years; for CDBG, zero funding for both years; for EDA, zero funding for both years. That is why we are so concerned.

It is all well and good to move the deck chairs around but at the end of the day, if we don't have any money, we cannot do much with it. That is why we are concerned.

Dr. FLEMING. Yes, sir.

Senator CARPER. It is important that, if you believe in your heart, as you testified here today, that you not just hide your candle under a bushel but that you are vocal and strong in supporting this.

The last thing I would say to the spouses who have joined your wife here today, it is nice to see all of you. Debbie, thank you for sharing your husband with us most days. Give him my best.

I would say to your wife, I could just barely see her lips move when you spoke. We are just about done.

Thanks, Mr. Chairman.

Senator BARRASSO. Thank you very much, Senator Carper.

If there are no more questions for today, members may submit followup questions for the record by noon on Monday, July 23. The nominees should respond to those questions by 5 p.m. on Friday, July 27.

I want to thank both nominees and congratulate you on your nominations by President Trump.

This hearing is adjourned.

[Whereupon, at 11:44 a.m., the committee was adjourned.]

[Additional material submitted for the record follows.]



Industrial Energy Consumers of America
The Voice of the Industrial Energy Consumers

1776 K Street, NW, Suite 720 • Washington, D.C. 20006
Telephone (202) 223-1420 • www.ieca-us.org

June 13, 2018

The Honorable Donald Trump
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Re: Nomination of Mary Neumayr as Chairwoman of the Council on Environmental Quality (CEQ)

Dear Mr. President:

On behalf of the Industrial Energy Consumers of America (IECA), we are highly supportive of the nomination of Ms. Mary Neumayr for Chairwoman of the Council on Environmental Quality (CEQ).

Ms. Neumayr has the experience and credibility which is needed to lead the CEQ and she will serve the public interest well.

Sincerely,

Paul N. Cicio
President

The Industrial Energy Consumers of America is a nonpartisan association of leading manufacturing companies with \$1.0 trillion in annual sales, over 3,400 facilities nationwide, and with more than 1.7 million employees worldwide. It is an organization created to promote the interests of manufacturing companies through advocacy and collaboration for which the availability, use and cost of energy, power or feedstock play a significant role in their ability to compete in domestic and world markets. IECA membership represents a diverse set of industries including: chemicals, plastics, steel, iron ore, aluminum, paper, food processing, fertilizer, insulation, glass, industrial gases, pharmaceutical, building products, automotive, brewing, independent oil refining, and cement.

GREG WALDEN, OREGON
CHAIRMAN

FRANK PALLONE, JR., NEW JERSEY
RANKING MEMBER

ONE HUNDRED FIFTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
2125 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-6115
Majority (201) 225-2427
Minority (202) 225-3641

July 06, 2018

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

The Honorable Thomas R. Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

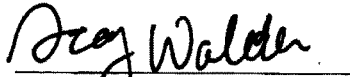
Dear Chairman Barrasso and Ranking Member Carper:


We write to express support for the nomination of Mary B. Neumayr to chair the Council on Environmental Quality (CEQ). Ms. Neumayr is well-qualified to serve in this role. She not only has demonstrated her abilities as the chief of staff and effectively the highest-ranking official at CEQ over the past year and one half, she has proven her qualifications and dedication in public service in several posts, including in Congress.

We ask that you consider our direct knowledge of Ms. Neumayr's capabilities. Prior to her service at CEQ, she served for eight years as senior counsel and then deputy chief counsel for energy and environment on the Energy and Commerce Committee. During this time, we benefited from her knowledge, judgment, and good counsel on numerous legislative and policy issues. She served the Committee and its Members on both sides of the aisle commendably, bringing her policy knowledge and legal experience drawn from careful study and from her previous senior posts at the Department of Energy and at the Department of Justice.

Mary Neumayr represents the best of public service. The President and the country will be well-served by her appointment. We look forward to confirmation of her nomination in the United States Senate.

Sincerely,


Greg Walden
Chairman


Fred Upton
Chairman
Subcommittee on Energy

Congress of the United States
Washington, DC 20515

June 29, 2018

Chairman John Barrasso and Ranking Member Thomas R. Carper
 Senate Committee on Environment and Public Works
 410 Dirksen Senate Office Building
 Washington, D.C. 20510

Dear Chairman Barrasso and Ranking Member Carper:

It is our privilege to recommend Dr. John Fleming as the Assistant Secretary of Commerce for Economic Development. We have thoroughly enjoyed our time working alongside Dr. Fleming and came to know him as a truly valuable asset to our region. He is honest, dependable, and hard-working.

Dr. Fleming has been instrumental in the development and execution of projects which have taken root in Northwest Louisiana and spread across the United States. Recognizing our regional economy needed to be diversified, Dr. Fleming set a path towards pivoting our economy and associated workforce to a technology driven, knowledge-based economy. He coordinated a cooperative effort across government, industry and educational institutions, resulting in:

- The creation of a public-private partnership that developed the National Cyber Research Park anchored by the Cyber Innovation Center, which is home to high-tech professionals employed by cyber-related companies, government entities and higher education institutions. This park provides people in the region with the opportunity to pursue technology based careers, in a place where previously no such opportunities existed.
- The development of a comprehensive K-12 cyber-curriculum program focused on growing the next-generation workforce. This program began modestly in one parish in Louisiana and has now reached over 2.8 million students across the United States. Additionally, this program emphasizes the need for diversification of the cyber workforce by creating programs focused on minorities and females. In fact, many of the program's locations boast equal participation among males, minorities and females. Finally, this program has now evolved to provide cyber-curriculum to some of our nation's most overlooked individuals by deploying in schools for students with visual and hearing impairments across the country. Everyone should have an opportunity to participate in this program, and because of Dr. Fleming's leadership, everyone is able to do so.
- Training and retraining opportunities, as well as job placement, for our nation's veterans and their spouses. A veteran himself, Dr. Fleming recognized early on that some of our nation's bravest men and women too often re-enter civilian life with unique skills that do not easily transfer to "outside the fence" jobs. Because of Dr. Fleming's vision, veterans in our region have the opportunity to develop skills in several cyber-related career

fields. This not only helps our nation's finest, but also provides a skilled and disciplined workforce to our region's employers.

Dr. Fleming's accomplishments, combined with his background as a policymaker, independent business owner and member of the military, demonstrate he is an excellent choice to help lead the administration's economic development efforts. Of course, his experience representing Louisiana gives him a thorough understanding of how natural disasters can impact a region, state, and our nation. Louisiana and the region is grateful for Dr. Fleming's vision, hard work, and sacrifice. We are proud to support him for the position of Assistant Secretary of Commerce for Economic Development.

Sincerely,

Bill Cassidy, M.D.

Bill Cassidy, M.D.
United States Senate

John Kennedy

John Kennedy
United States Senate

Ralph Abraham

Ralph Abraham, M.D.
Member of Congress

Mike Johnson

Mike Johnson
Member of Congress

29 June, 2018

Dear Chairman Barrasso and Ranking Member Carper,

It is my privilege to recommend Dr. John Fleming as the Assistant Secretary of Commerce for Economic Development.

As the Louisiana Senator representing District 30 I have had the pleasure of working alongside Dr. Fleming and came to know him as a truly valuable asset to our region. He is honest, dependable, and incredibly hard-working.

Dr. Fleming has been instrumental in the development and execution of projects which have taken root in Northwest Louisiana and spread across the United States. Dr. Fleming recognized our regional economy was too heavily reliant on oil and gas, agriculture and gaming. As a result, Dr. Fleming set a path towards pivoting our economy and associated workforce to a technology driven, knowledge-based economy. Dr. Fleming orchestrated a massive cooperative effort across government, industry and educational institutions which resulted in the following:

- The creation of a public-private partnership resulting in the development of the National Cyber Research Park anchored by the Cyber Innovation Center. Dr. Fleming's vision of diversifying the region's economy started on what was, at the time, farmland and today is made up of a technology infrastructure home to high-tech professionals employed by cyber-related companies, government and institutions of higher education. The result is a region that members of the previous generations would have left without a second thought in order to pursue any technology based career; that today is recognized as a home to a significant cyber workforce offering continuous career growth in a wide array of skillsets within the technology sector.
- The development of a comprehensive K-12 cyber-curriculum program focused on growing the next-generation workforce. This program began modestly in one parish in Louisiana and has now reached over 2.8M students across the United States. Additionally, this program emphasizes the need for diversification of the cyber workforce by creating programs focused on minorities and females. In fact, many of the program's locations boast equal participation among males, minorities and females. Finally, this program has now evolved to provide cyber-curriculum to some of our nation's most overlooked by deploying in blind/deaf schools across the country. Everyone should have an opportunity to receive this program; and because of Dr. Fleming's leadership, that opportunity is available to all.
- Training and retraining opportunities, as well as job placement, for our Nation's veterans and their spouses is an important focus of our region and our economic development strategy. Dr. Fleming, a veteran himself, recognized early on that some of our Nation's bravest men and women too often leave the military and enter civilian life with military related skills which do not easily transfer to "outside the fence" jobs. Because of Dr. Fleming's vision, veterans in our region are provided the opportunity to develop cyber

based skills. This results in not only helping our Nation's finest, but also provides a skilled and disciplined workforce to our regions employers.

Dr. Fleming's recognized need for government, academia and industry to pull together on regional need based approach combined with his public policy, independent business owner and military background serve as the right attributes for leading economic development efforts. Doing most of this work in Louisiana provides him the understanding of how disasters can immediately impact a region, a state, and an our nation.

It's safe to say this region owes a debt of gratitude to the vision, hard work, and sacrifice Dr. Fleming has made. That is why, with no reservation whatsoever, I am proud to endorse Dr. Fleming for the position of Assistant Secretary of Commerce for Economic Development.

Sincerely,

A handwritten signature in black ink, appearing to read "James K. Armes".

James K. Armes,
Louisiana State Senator, District 30

July 17, 2018

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

The Honorable Thomas R. Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper,

I write to support the President's nomination and Senate confirmation of Mary Neumayr to be a Member of the Council on Environmental Quality (CEQ), understanding that the President intends to appoint her Chair upon confirmation. Ms. Neumayr possesses the depth and breadth of experience, and the professional and personal qualities to effectively lead and manage the work of CEQ.

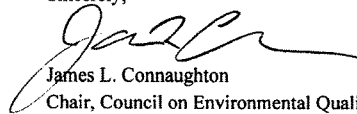
I had the privilege to serve as CEQ Chair from 2001-2009, with the associated honor to have earned a unanimous vote of confirmation and to have worked regularly at that time with Senator Carper and his colleagues on the Senate Environment and Public Works Committee on a wide array of environmental, energy and natural resource matters. My support for Ms. Neumayr is framed by that experience.

Between 2003-2009, Ms. Neumayr served in senior roles at the U.S. Department of Justice and later at the U.S. Department of Energy. She managed and advised on a wide range of matters involving policy, legislation, regulation, legal compliance, legal defense, and stakeholder engagement. In this capacity, she gained considerable experience with the functions, operations, and responsibilities of CEQ. Both the Assistant Attorney General and the Assistant Energy Secretary entrusted Ms. Neumayr to represent them in the interagency processes coordinated by CEQ to address myriad and complex issues requiring policy development, conflict resolution, and elevation to the Cabinet and President. My colleagues and I at CEQ worked closely with Ms. Neumayr and greatly valued her knowledge, integrity, and professionalism.

I also had many occasions to work and interact with Ms. Neumayr during the subsequent 8 years that she served with distinction on the staff of the U.S. House of Representatives Energy and Commerce Committee. There, she greatly expanded her experience to encompass the day-to-day responsibilities and workings of Congress, earning the respect of members and colleagues on both sides of the aisle. Ms. Neumayr's legislative branch experience adds further weight to her future effectiveness at CEQ, given CEQ's regular interactions with the Congress and the constituents they serve.

Finally, from what I have observed directly and learned from others, Ms. Neumayr has served ably in her current role as Chief of Staff at CEQ, informally leading the Council in the absence of a Chair. Ms. Neumayr is well qualified to finally and formally serve as Chair of the Council on Environmental Quality.

Sincerely,



James L. Connaughton
Chair, Council on Environmental Quality, 2001-2009

June 29, 2018

The Honorable John Barrasso
Chairman
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

The Honorable Thomas R. Carper
Ranking Member
Committee on Environment and Public Works
United States Senate
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

We are writing in support of the nomination of Mary Bridget Neumayr to be a Member and Chair of the Council on Environmental Quality (CEQ) in the Executive Office of the President.

As former General Counsels of the U.S. Department of Energy or Assistant Attorneys General at the U.S. Department of Justice, under presidents of both political parties, we have worked closely with the CEQ chairman and staff. We know the important role CEQ and particularly its chair play in working with senior officials throughout the Administration on significant environmental and energy policy issues. We also are aware of the critical role CEQ plays in formulating regulations and policy for implementation of the National Environmental Policy Act of 1969. Of course each Presidential Administration has its own priorities and objectives, and the environmental issues CEQ faces differ over time, but one thing must remain constant – CEQ must be led by a chair who has integrity, a deep knowledge of the Council's work, and the judgment and work ethic to successfully address extremely difficult issues in which there is significant public interest and often disagreement.

Mary Neumayr is highly qualified to serve as CEQ's chair. We have worked closely with her and/or have known her by reputation for many years. Through her service on Capitol Hill, at the U.S. Department of Energy, at the U.S. Department of Justice, and most recently as chief of staff at CEQ, she has developed and has exhibited the knowledge and skills to be a highly successful CEQ chairman. Moreover, and equally as important, she treats all people and all stakeholders with dignity and respect, and her integrity is absolutely above reproach.

Each of us may not agree with every policy position Ms. Neumayr might have taken in the past, either on her own or on behalf of the agencies or officials for whom she has worked. And we may or may not agree with the positions she or the President may take in the future. We support Ms. Neumayr to be a Member and the Chair of the Council on Environmental Quality not because we always agree with her, but because she is unquestionably qualified for this position, and because she has the knowledge, skills and integrity to faithfully and honorably carry out the duties of this position on behalf of the American people.

Sincerely yours,

The Honorable John Barrasso
The Honorable Thomas R. Carper
June 29, 2018
Page 2

David R. Hill
General Counsel
U.S. Department of Energy
2005 - 2009

Lee Liberman Otis
General Counsel
U.S. Department of Energy
2001 - 2005

Steven P. Croley
General Counsel
U.S. Department of Energy
2014 - 2016

Scott Blake Harris
General Counsel
U.S. Department of Energy
2009 - 2011

Mary Anne Sullivan
General Counsel
U.S. Department of Energy
1998 - 2001

Ronald J. Tenpas
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
2007 - 2009

Thomas Sansonetti
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
2001 - 2005

John C. Cruden
Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
2015 - 2017

City of Ville Platte

126 East Main Street
Post Office Box 390
Ville Platte, LA 70586



Jennifer Vittrine

Mayor

Phone: (337) 363-2939

Fax: (337) 363-1121

www.cityofvilleplatte.com

June 29, 2018

Council Members

C.J. Dardeau
District "A"

Jerry Joseph
District "B"

Mike Perron
District "C"

Freddie Jack
District "D"

Donald Sam
District "E"

Bryant Riggs
District "F"

City Attorney
Eric LaFleur

The Honorable John Barrasso, Chairman
U.S. Senate Committee on Environment and Public Works

The Honorable Thomas Carper, Ranking Member
U.S. Senate Committee on Environment and Public Works

410 Dirsken Senate Office Building
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper:

With resounding enthusiasm and unequivocal confidence, I am honored to highly recommend and offer my complete support for the nomination of John Fleming, MD for the position of Assistant Secretary of Commerce for Economic Development. I have known Dr. Fleming his entire congressional career. He exemplifies the epitome of servant leadership and professionalism. He always welcomes professional challenges. He has a passion for progress in the world of economic development.

As Mayor of Ville Platte, Louisiana, I worked closely with Dr. Fleming and I am proud to say, "He was a strong and illuminating advocate for all citizens of Louisiana since his inception to Congress." He is a servant to all people. He represented small cities like Ville Platte with the same vigor and allegiance he did for larger cities. He did not let us fall through the cracks and be forgotten. He served the underserved.

As his resume indicates, he has extensive expertise and excellence in the medical and business fields. His qualifications are commensurate with the position of Assistant Secretary of Commerce for Economic Development. His many years as a practicing physician, in conjunction with, his diverse experiences and successes as an entrepreneur and businessman make him uniquely qualified for this critical position.

Additionally, Dr. Fleming possesses, demonstrates and implements a cornucopia of the following administrative and executive level attributes: an untiring, energetic, vocal advocate for economic development, strong leadership and administrative qualities, demonstrated problem-solving skills, demonstrated decision-making skills, experienced in handling multiple and challenging responsibilities, experienced in motivating and inspiring staff, effective communication and interpersonal skills, persuasive public speaking abilities, able to interact with persons from diverse backgrounds and a high level of compassion, integrity, commitment and enthusiasm.

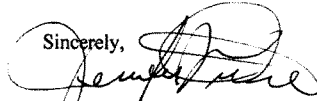
Dr. Fleming is a very conscientious and accomplished administrator and executive, who has spent his career evolving in a technology driven reality of advanced knowledge for the workforce of the future. He is passionately devoted to promoting the growth of our national and global economies. He is the caliber of executive who puts forth that necessary second-effort quality needed to achieve the very best. He doesn't give up when a difficult task arises; instead, he thinks harder, works harder and tries harder. He prides himself in excelling to his complete executive level potential. He exemplifies a diversity of knowledge and awareness in numerous areas. He is the type of individual who is content only when the final results of his work performance demonstrate he has given his very best. He is a professional who sets goals and uses his abilities and intelligence to achieve those goals.

Dr. Fleming's professional qualities are characteristic of his other admirable attributes. He is courteous, generous and honest. He is an individual who respects and recognizes authority with the utmost cooperation. Also, he possesses the ability to adapt to the most negative, as well as, the positive situations. He is always dependable, responsible and committed.

I am assured and confident, Dr. John Fleming will represent the United States of America as the Assistant Secretary of Commerce for Economic Development with a superlative degree of dignity, performance and excellence.

Should you have any questions, please contact me @ 337-831-0831.

Sincerely,



Jennifer Vidrine, MPA, ABD
Mayor, City of Ville Platte

John Bel Edwards
Governor



Don Pierson
Secretary, Louisiana Economic Development

June 28, 2018

Senator John Barrasso, Chairman
Senator Thomas R. Carper, Ranking Member
Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Dear Senators,

It is our privilege to recommend Dr. John Fleming as the Assistant Secretary of Commerce for Economic Development.

I worked closely with Congressman Fleming during his service as Congressman in the 4th Congressional District of Louisiana. I know first-hand that he has personally demonstrated extraordinary service to Louisiana and our Nation. Dr. Fleming has been instrumental in the development and execution of projects, which have taken root in Northwest Louisiana and spread across the United States. Dr. Fleming recognized our regional economy was too heavily reliant on oil and gas, agriculture and gaming. As a result, Dr. Fleming set a path towards pivoting our economy and associated workforce to a technology driven, knowledge-based economy. Dr. Fleming orchestrated a massive cooperative effort across government, industry and educational institutions which resulted in the following:

- The creation of a public-private partnership resulting in the development of the National Cyber Research Park anchored by the Cyber Innovation Center. Dr. Fleming's vision of diversifying the region's economy started on what was, at the time, farmland and today is made up of a technology infrastructure home to high-tech professionals employed by cyber-related companies, government and institutions of higher education. The result is a region that members of the previous generations would have left without a second thought in order to pursue any technology based career; that today is recognized as a home to a significant cyber workforce offering continuous career growth in a wide array of skillsets within the technology sector.
- The development of a comprehensive K-12 cyber-curriculum program focused on growing the next-generation workforce. This program began modestly in one parish in Louisiana and has now reached over 2.8M students across the United States. Additionally, this program emphasizes the need for diversification of the cyber workforce by creating programs focused on minorities and females. In fact, many of the program's locations boast equal participation among males, minorities and females. Finally, this program has now evolved to provide cyber-curriculum to some of our nation's most overlooked by deploying in blind/deaf schools across the country. Everyone should have an opportunity to receive this program; and because of Dr. Fleming's leadership, that opportunity is available to all.
- Training and retraining opportunities, as well as job placement, for our Nation's veterans and their spouses is an important focus of our region and our economic development strategy. Dr. Fleming, a veteran himself, recognized early on that some of our Nation's bravest men and

Page 2
Fleming Letter
June 28, 2018

women too often leave the military and enter civilian life with military related skills which do not easily transfer to "outside the fence" jobs. Because of Dr. Fleming's vision, veterans in our region are provided the opportunity to develop cyber based skills. This results in not only helping our Nation's finest, but also provides a skilled and disciplined workforce to our regions employers.

Dr. Fleming recognizes the need for government, academia and industry to pull together on a regional needs-based approach. His experience in public policy, business and his military background serve as the right attributes for leading economic development efforts. Doing most of this work in Louisiana provides him the understanding of how disasters can immediately impact a region, a state, and our nation.

Our state is grateful for the vision, hard work, and sacrifice Dr. Fleming has made. We are honored to endorse Dr. Fleming for the position of Assistant Secretary of Commerce for Economic Development.

Sincerely,

A handwritten signature in black ink, appearing to read "Don Pierson". The signature is fluid and cursive, with a large initial "D" and a stylized "P".

Don Pierson
Secretary
Louisiana Economic Development



LOUISIANA TECH UNIVERSITY

OFFICE OF THE PRESIDENT

29 June, 2018

Dear Chairman Barrasso and Ranking Member Carper,

It is my privilege to recommend Dr. John Fleming as the Assistant Secretary of Commerce for Economic Development.

As President of Louisiana Tech University, I have felt first-hand the direct impact of Dr. Fleming's hard work. I have thoroughly enjoyed our time working alongside Dr. Fleming and came to know him as a truly valuable asset to our region. He is honest, dependable, and incredibly hard-working. Dr. Fleming has been instrumental in the development and execution of projects which have taken root in Northwest Louisiana and spread across the United States. Dr. Fleming recognized our regional economy was too heavily reliant on oil and gas, agriculture and gaming. As a result, Dr. Fleming set a path towards pivoting our economy and associated workforce to a technology driven, knowledge-based economy. Dr. Fleming orchestrated a massive cooperative effort across government, industry and educational institutions which resulted in the following:

- The creation of a public-private partnership resulting in the development of the National Cyber Research Park anchored by the Cyber Innovation Center. Dr. Fleming's vision of diversifying the region's economy started on what was, at the time, farmland and today is made up of a technology infrastructure home to high-tech professionals employed by cyber-related companies, government and institutions of higher education. The result is a region that members of the previous generations would have left without a second thought in order to pursue any technology based career; that today is recognized as a home to a significant cyber workforce offering continuous career growth in a wide array of skillsets within the technology sector.
- The development of a comprehensive K-12 cyber-curriculum program focused on growing the next-generation workforce. This program began modestly in one parish in Louisiana and has now reached over 2.8M students across the United States. Additionally, this program emphasizes the need for diversification of the cyber workforce by creating programs focused on minorities and females. In fact, many of the program's locations boast equal participation among males, minorities and females. Finally, this program has now evolved to provide cyber-curriculum to some of our nation's most overlooked by deploying in blind/deaf schools across the country. Everyone should have an opportunity to receive this program; and because of Dr. Fleming's leadership, that opportunity is available to all.

A MEMBER OF THE UNIVERSITY OF LOUISIANA SYSTEM

P.O. BOX 3168 • RUSTON, LA 71272-0001 • TEL: (318) 257-3785 • FAX: (318) 257-2928
AN EQUAL OPPORTUNITY UNIVERSITY

- Training and retraining opportunities, as well as job placement, for our Nations veterans and their spouses is an important focus of our region and our economic development strategy. Dr. Fleming, a veteran himself, recognized early on that some of our Nation's bravest men and women too often leave the military and enter civilian life with military related skills which do not easily transfer to "outside the fence" jobs. Because of Dr. Flemings vision, veterans in our region are provided the opportunity to develop cyber based skills. This results in not only helping our Nation's finest, but also provides a skilled and disciplined workforce to our regions employers.

Dr. Fleming's recognized need for government, academia and industry to pull together on regional need based approach combined with his public policy, independent business owner and military background serve as the right attributes for leading economic development efforts. Doing most of this work in Louisiana provides him the understanding of how disasters can immediately impact a region, a state, and an our nation.

It's safe to say this region owes a debt of gratitude to the vision, hard work, and sacrifice Dr. Fleming has made. That is why, with no reservation whatsoever, I am proud to endorse Dr. Fleming for the position of Assistant Secretary of Commerce for Economic Development.

Sincerely,



Les Guice, PhD.

President, Louisiana Tech University



Jeff Landry
Attorney General

State of Louisiana
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 94005
BATON ROUGE
70804-9005

June 29, 2018

The Honorable John Barrasso
Chairman – U.S. Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Thomas Carper
Ranking Member – U.S. Senate Committee on Environment and Public Works
410 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Barrasso and Ranking Member Carper,

I am writing this letter in support of President Trump's nomination of Dr. John Fleming to become the Assistant Secretary of Commerce for Economic Development.

As Attorney General of Louisiana and a former Member of Congress, I have worked closely with Dr. Fleming for many years and know him to be a true public servant. A veteran of the Navy, a former parish Coroner, and a former United States Representative – Dr. Fleming is brutally honest, doggedly dependable, and incredibly hard-working.

In addition to being a successful independent business owner, Dr. Fleming has also been an economic leader for our State and our Nation. Recognizing the regional economy was heavily reliant on oil and gas, agriculture, and gaming – Dr. Fleming set a path towards growing a technology-driven, knowledge-based economy. He orchestrated a massive cooperative effort across industry, government, and educational institutions which resulted in the following:

- The creation of a public-private partnership resulting in the development of the National Cyber Research Park anchored by the Cyber Innovation Center. Dr. Fleming's vision of diversifying the region's economy started on what was, at the time, farmland and today is made up of a technology infrastructure home to high-tech professionals employed by cyber-related companies, government, and institutions of higher education. We now have a significant cyber workforce offering continuous career growth in a wide array of skillsets within the technology sector.
- The development of a comprehensive K-12 cyber-curriculum program focused on growing the next-generation workforce. Modestly begun in one Louisiana parish, it has

now reached over 2.8 million students across the United States. This program emphasizes the need for diversification of the cyber workforce by creating programs focused on minorities and females. In fact – many of the program’s locations boast equal participation among males, females, and minorities. Finally, this program has evolved to provide cyber-curriculum to some of our nation’s most overlooked by deploying in blind/deaf schools across the country.


- Numerous training and retraining opportunities, as well as job placements, for our Nation’s veterans and their spouses. Dr. Fleming recognized early on that some of our Nation’s bravest men and women too often leave the military and enter civilian life with military-related skills which do not easily transfer to “outside the fence” jobs. So he pushed to provide our veterans and their families the opportunity to develop cyber-based skills. Now, many of our Nation’s finest have that and all of our community benefits from a skilled and disciplined workforce for our regions employers.

In short – Dr. Fleming has a record of recognizing the need for and achieving success with pulling industry, government, and academia together even in the midst of natural disasters in Louisiana. This – combined with his unique experience as a public policymaker, job creator, and military veteran – will aid Dr. Fleming in his future efforts to lead our economic development.

For Louisiana and America, I ask you and your distinguished colleagues on the Environment and Public Works Committee to support Dr. Fleming’s nomination. There is no doubt that we will all benefit from Dr. Fleming’s passion, intelligence, and work ethic.

If you have questions or need more information on my support for Dr. John Fleming, please feel free to contact me at 225-326-6705 or landryj@ag.louisiana.gov.

Sincerely,



Jeff Landry
Louisiana Attorney General



OFFICE OF THE MAYOR
SHREVEPORT, LOUISIANA

OLLIE S. TYLER
MAYOR

POST OFFICE BOX 31108
SHREVEPORT, LA 71130
(318) 673-5050 • (318) 673-5099 • FAX

July 2, 2018

Dear Chairman Barrasso and Ranking Member Carper:

It is our privilege to recommend Dr. John Fleming as the Assistant Secretary of Commerce for Economic Development.

As the Mayor of Shreveport, I have witnessed first-hand the impact of Dr. Fleming's hard work. I have thoroughly enjoyed my time working alongside Dr. Fleming and came to know him as a truly valuable asset to our region. He is honest, dependable, and incredibly hard-working. He has been instrumental in the development and execution of projects which have taken root in Northwest Louisiana and spread across the United States. Dr. Fleming recognized our regional economy was too heavily reliant on oil and gas, agriculture, and gaming. As a result, Dr. Fleming set a path towards pivoting our economy and associated workforce to a technology driven, knowledge-based economy. Dr. Fleming orchestrated a massive cooperative effort across government, industry, and educational institutions which resulted in the following:

- The creation of a public-private partnership resulting in the development of the National Cyber Research Park, anchored by the Cyber Innovation Center. Dr. Fleming's vision of diversifying the region's economy started on what was, at the time, farmland and today is made up of a technology infrastructure home to high-tech professionals employed by cyber-related companies, government, and institutions of higher education. The result is a region that members of the previous generations would have left without a second thought in order to pursue any technology-based career that today is recognized as home to a significant cyber workforce, offering continuous career growth in a wide array of skillsets within the technology sector.
- The development of a comprehensive K-12 cyber-curriculum program focused on growing the next-generation workforce. This program began modestly in one parish in Louisiana and has now reached over 2.8M students across the United States. Additionally, this program emphasizes the need for diversification of the cyber workforce by creating programs focused on minorities and females. In fact, many of the program's locations boast equal participation among males, minorities and females. Finally, this program has now evolved to provide cyber-curriculum to some of our nation's most overlooked by deploying in blind/deaf schools across the country. Everyone should have an opportunity to receive this program and, because of Dr. Fleming's leadership, that opportunity is available to all.
- Training and retraining opportunities, as well as job placement, for our nation's veterans and their spouses is an important focus of our region and our economic development



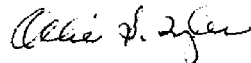
strategy. Dr. Fleming, a veteran himself, recognized early on that some of our nation's bravest men and women too often leave the military and enter civilian life with military-related skills which do not easily transfer to "outside the fence" jobs. Because of Dr. Fleming's vision, veterans in our region are provided the opportunity to develop cyber based skills. This results in not only helping our nation's finest, but also provides a skilled and disciplined workforce to employers in our region.

- Dr. Fleming's influence can further be seen in the medical arena. Helping to attract and retain highly-skilled doctors to LSU Health Sciences Center Medical School is a much-needed medical and economic boost to our city. Some of the best doctors in the country are a part of the teaching school. Medical residents are trained and supervised by these committed professionals. Patients who come from around the entire region benefit from cutting edge research, new techniques, and competent, caring physicians. Dr. Fleming's willingness to use his knowledge and expertise as a medical doctor, as someone wanting to better the lives of others, and as someone who wants to improve the overall health of the economy in our region was a welcomed addition to our community.

Dr. Fleming's recognized need for government, academia, and industry to pull together on a regional, need-based approach combined with his public policy, his acumen as an independent business owner, and military background serve as the right attributes for leading economic development efforts. Doing most of this work in Louisiana provides him the understanding of how disasters can immediately impact a region, a state, and our nation.

It is safe to say this region owes a debt of gratitude to the vision, hard work, and sacrifice Dr. Fleming has made. That is why I am proud to endorse Dr. Fleming for the position of Assistant Secretary of Commerce for Economic Development.

Sincerely,



Ollie S. Tyler
MAYOR



2018 Board of Directors

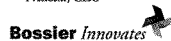
Executive Committee:

Dana Smelser – *Chairman*
CHRISTUS Shreveport-Bossier Health
Patrick Gullatt – *Chair Elect*
Barksdale Federal Credit Union
Barry Regula – *Finance Chair*
Margaritaville Resort Casino
Terry Moore – *Past Chair*
Merrill Lynch
Meredith Johnson
- Business Development Chair
Realty Executives SBLA
Mike McSwain – *Marketing Chair*
Mike McSwain Architect, LLC
Brett Mattison – *Gov Relations Chair*
SWPECO
Nicole Wilhite
- Program Development Chair
Citizens National Bank
Brian Liesveld
- Military Relations Chair
Cyber Innovation Center

Directors:

Col West Anderson, USAF Retired
Boeing
 Rick Bateman, Jr.
Bossier Parish Community College
 Theresia Bordelon-Kreder
Joan Simpson Personnel Services
 Cliff Broussard
Willis-Knighton Health System
 Robert Cave
CSRA
 Sandy M. Cimino
Community Bank of Louisiana
 Kathy French
Port of Calde-Bossier
 Rick Holland
Gibson Bank & Trust
 Matt Locke
Locke Properties, Inc.
 Rhonda MacIsaac
Willis-Knighton Health System
 Ian McElroy
McElroy Metal
 Bruce Roberts
Roberts and Murphy, Inc
 Craig Spohn
Cyber Innovation Center
 Col Andy Thomson, USAF Retired
Northrop Grumman

Lisa Johnson
President/CEO



June 28, 2018

Dear Chairman Barrasso and Ranking Member Carper,

It is my privilege to recommend Dr. John Fleming as the Assistant Secretary of Commerce for Economic Development. As the Chamber of Commerce President in Bossier Parish / County, I have witnessed first-hand the impact of Dr. Fleming's hard work. I have thoroughly enjoyed my time working alongside Dr. Fleming and came to know him as a truly valuable asset to our region. He is honest, dependable, and incredibly hard-working.

Dr. Fleming has been instrumental in the development and execution of projects which have taken root in Northwest Louisiana and spread across the United States. Dr. Fleming recognized our regional economy was too heavily reliant on oil and gas, agriculture and gaming. As a result, Dr. Fleming set a path towards pivoting our economy and associated workforce to a technology driven, knowledge-based economy. Dr. Fleming orchestrated a massive cooperative effort across government, industry and educational institutions which resulted in the following:

The creation of a public-private partnership resulting in the development of the National Cyber Research Park anchored by the Cyber Innovation Center. Dr. Fleming's vision of diversifying the region's economy started on what was, at the time, farmland and today is made up of a technology infrastructure home to high-tech professionals employed by cyber-related companies, government and institutions of higher education. The result is a region that members of the previous generations would have left without a second thought in order to pursue any technology based career; that today is recognized as a home to a significant cyber workforce offering continuous career growth in a wide array of skillsets within the technology sector.

The development of a comprehensive K-12 cyber-curriculum program focused on growing the next-generation workforce. This program began modestly in one parish in Louisiana and has now reached over 2.8M students across the United States. Additionally, this program emphasizes the need for diversification of the cyber workforce by creating programs focused on minorities and females. In fact, many of the program's locations boast equal participation among males, minorities and females. Finally, this program has now evolved to provide cyber-curriculum to some of our nation's most overlooked by deploying in blind/deaf schools across the country. Everyone should have an opportunity to receive this program; and because of Dr. Fleming's leadership, that opportunity is available to all.

710 Benton Road, Bossier City, LA 71111 www.bossierchamber.com P: 318.746.0252

OPPORTUNITY ADVOCACY PARTNERSHIP EDUCATION



Page 2

He saw training and retraining opportunities, as well as job placement, for our Nations veterans and their spouses as an important focus of our region and our economic development strategy. Dr. Fleming, a veteran himself, recognized early on that some of our Nation's bravest men and women too often leave the military and enter civilian life with military related skills which do not easily transfer to "outside the fence" jobs.

Because of Dr. Fleming's vision, veterans in our region are provided the opportunity to develop cyber based skills. This results in not only helping our Nation's finest, but also provides a skilled and disciplined workforce to our regions employers. Dr. Fleming's recognized need for government, academia and industry to pull together on regional need based approach combined with his public policy, independent business owner and military background serve as the right attributes for leading economic development efforts. Doing most of this work in Louisiana provides him the understanding of how disasters can immediately impact a region, a state, and our nation. It's safe to say this region owes a debt of gratitude to the vision, hard work, and sacrifice Dr. Fleming has made. That is why, with no reservation whatsoever, I am proud to endorse Dr. Fleming for the position of Assistant Secretary of Commerce for Economic Development

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Johhson". The signature is fluid and cursive.

Lisa Johhson
President / CEO



Dear Chairman Barrasso and Ranking Member Carper,

It is our privilege to recommend Dr. John Fleming as the Assistant Secretary of Commerce for Economic Development.

As leaders of Bossier City and Bossier Parrish we have witnessed first-hand the impact of Dr. Fleming's hard work. We have thoroughly enjoyed our time working alongside Dr. Fleming and came to know him as a truly valuable asset to our region. He is honest, dependable, and incredibly hard-working.

Dr. Fleming has been instrumental in the development and execution of projects which have taken root in Northwest Louisiana and spread across the United States. Dr. Fleming recognized our regional economy was too heavily reliant on oil and gas, agriculture and gaming. As a result, Dr. Fleming set a path towards pivoting our economy and associated workforce to a technology driven, knowledge-based economy. Dr. Fleming orchestrated a massive cooperative effort across government, industry and educational institutions which resulted in the following:

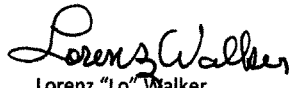
- The creation of a public-private partnership resulting in the development of the National Cyber Research Park anchored by the Cyber Innovation Center. Dr. Fleming's vision of diversifying the region's economy started on what was, at the time, farmland and today is made up of a technology infrastructure home to high-tech professionals employed by cyber-related companies, government and institutions of higher education. The result is a region that members of the previous generations would have left without a second thought in order to pursue any technology based career; that today is recognized as a home to a significant cyber workforce offering continuous career growth in a wide array of skillsets within the technology sector.
- The development of a comprehensive K-12 cyber-curriculum program focused on growing the next-generation workforce. This program began modestly in one parish in Louisiana and has now reached over 2.8M students across the United States. Additionally, this program emphasizes the need for diversification of the cyber workforce by creating programs focused on minorities and females. In fact, many of the program's locations boast equal participation among males, minorities and females. Finally, this program has now evolved to provide cyber-curriculum to some of our nation's most overlooked by deploying in blind/deaf schools across the country. Everyone should have an opportunity to receive this program; and because of Dr. Fleming's leadership, that opportunity is available to all.
- Training and retraining opportunities, as well as job placement, for our Nation's veterans and their spouses is an important focus of our region and our economic development strategy. Dr. Fleming, a veteran himself, recognized early on that some of our Nation's bravest men and women too often leave the military and enter civilian life with military related skills which do not easily transfer to "outside the fence" jobs. Because of Dr. Fleming's vision, veterans in our region are provided the opportunity to develop cyber


based skills. This results in not only helping our Nation's finest, but also provides a skilled and disciplined workforce to our regions employers.

Dr. Fleming's recognized need for government, academia and industry to pull together on regional need based approach combined with his public policy, independent business owner and military background serve as the right attributes for leading economic development efforts. Doing most of this work in Louisiana provides him the understanding of how disasters can immediately impact a region, a state, and our nation.

It's safe to say this region owes a debt of gratitude to the vision, hard work, and sacrifice Dr. Fleming has made. That is why, with no reservation whatsoever, we are proud to endorse Dr. Fleming for the position of Assistant Secretary of Commerce for Economic Development.

Sincerely,


Lorenz "Lo" Walker,
Mayor of Bossier City


Bill Altimus,
Administrator, Bossier Parrish



RICK BATEMAN, JR., Ph.D.
Chancellor
Bossier Parish Community College

June 29, 2018

Dear Chairman Barrasso and Ranking Member Carper,

It is my privilege to recommend Dr. John Fleming as the Assistant Secretary of Commerce for Economic Development.

As Chancellor, Bossier Parish Community College (BPCC), I have felt first-hand the direct impact of Dr. Fleming's hard work. I have thoroughly enjoyed our time working alongside Dr. Fleming and came to know him as a truly valuable asset to our region. He is honest, dependable, and incredibly hard-working. As a major economic driver for our region with an annual economic impact of \$341M, BPCC understands the importance of continued economic development for our region, its citizens, and our BPCC family.

Dr. Fleming has been instrumental in the development and execution of projects which have taken root in Northwest Louisiana and spread across the United States. Dr. Fleming recognized our regional economy was too heavily reliant on oil and gas, agriculture, and gaming. As a result, Dr. Fleming set a path towards pivoting our economy and associated workforce to a technology driven, knowledge-based economy. Dr. Fleming orchestrated a massive cooperative effort across government, industry, and educational institutions which resulted in the following:

The creation of a public-private partnership resulting in the development of the National Cyber Research Park anchored by the Cyber Innovation Center. Dr. Fleming's vision of diversifying the region's economy started on what was, at the time, farmland and today is made up of a technology infrastructure home to high-tech professionals employed by cyber-related companies, government, and institutions of higher education. The result is a region that today is recognized as a home to a significant cyber workforce offering continuous career growth in a wide array of skillsets within the technology sector. With our campus located adjacent to the National Cyber Research Park, we are excited about the growing partnerships with cyber companies like General Dynamics Integrated Technology Center and our four-year university partner, Louisiana Tech University.

Training and retraining opportunities, as well as job placement, for our nation's veterans and their spouses is an important focus of our region and our economic development strategy. Dr. Fleming, a veteran himself, recognized early on that some of our nation's bravest men and women too often leave the military and enter civilian life with military related skills which do not easily transfer to civilian jobs. Because of Dr. Fleming's vision, veterans in our region are provided the opportunity to develop cyber workforce skills. This results in not only helping our nation's finest, but also provides a skilled and disciplined workforce to our regions employers. As an institution that serves more than 1,000 veteran and active military students each year, we are proud of the work that we do to help our veterans upgrade their skillsets to enter high-wage, high-demand occupations like cyber.

¹ Emsi, 2018, AY16-17 Economic Impact Report for Bossier Parish Community College.

Dr. Fleming recognized the need for government, academia, and industry to pull together on a regional, need-based approach. This vision combined with his public policy, business, and military background serve as the right attributes for leading economic development efforts.

Please accept this letter as my endorsement for Dr. Fleming for the position of Assistant Secretary of Commerce for Economic Development.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Bateman, Jr.", with a stylized flourish at the end.

Rick Bateman, Jr., Ph.D.
Chancellor



June 29, 2018

Dear Chairman Barrasso and Ranking Member Carper,

It is my privilege to recommend Dr. John Fleming as the Assistant Secretary of Commerce for Economic Development.

As President of the Cyber Innovation Center, I have felt first-hand the direct impact of Dr. Fleming's hard work. Dr. Fleming has been, and will continue to be, an advocate for our mission of creating a knowledge based workforce and diversifying the region's economy. I have thoroughly enjoyed working alongside Dr. Fleming and came to know him as a truly valuable asset to our region. He is honest, dependable, and incredibly hard-working.

Dr. Fleming has been instrumental in the development and execution of projects which have taken root in Northwest Louisiana and spread across the United States. Dr. Fleming recognized our regional economy was too heavily reliant on oil and gas, agriculture and gaming. As a result, Dr. Fleming set a path towards pivoting our economy and associated workforce to a technology driven, knowledge-based economy. Dr. Fleming orchestrated a massive cooperative effort across government, industry and educational institutions which resulted in the following:

- The creation of a public-private partnership resulting in the development of the National Cyber Research Park anchored by the Cyber Innovation Center. Dr. Fleming's vision of diversifying the region's economy started on what was, at the time, farmland and today is made up of a technology infrastructure home to high-tech professionals employed by cyber-related companies, government and institutions of higher education. The result is a region that members of the previous generations would have left without a second thought in order to pursue any technology based career; that today is recognized as a home to a significant cyber workforce offering continuous career growth in a wide array of skillsets within the technology sector.
- The development of a comprehensive K-12 cyber-curriculum program focused on growing the next-generation workforce. This program began modestly in one parish in Louisiana and has now reached over 2.8M students across the United States. Additionally, this program emphasizes the need for diversification of the cyber workforce by creating programs focused on minorities and females. In fact, many of the program's locations boast equal participation among males, minorities and females. Finally, this program has now evolved to provide cyber-curriculum to some of our nation's most overlooked by deploying in blind/deaf schools across the country. Everyone should have an opportunity to receive this program; and because of Dr. Fleming's leadership, that opportunity is available to all.
- Training and retraining opportunities, as well as job placement, for our Nation's veterans and their spouses is an important focus of our region and our economic development strategy. Dr. Fleming, a veteran himself, recognized early on that some of our Nation's bravest men and women too often leave the military and enter civilian life with military

related skills which do not easily transfer to “outside the fence” jobs. Because of Dr. Flemings vision, veterans in our region are provided the opportunity to develop cyber based skills. This results in not only helping our Nation’s finest, but also provides a skilled and disciplined workforce to our regions employers.

Dr. Fleming’s recognized need for government, academia and industry to pull together on regional need based approach combined with his public policy, independent business owner and military background serve as the right attributes for leading economic development efforts. Doing most of this work in Louisiana provides him the understanding of how disasters can immediately impact a region, a state, and our nation.

It’s safe to say this region owes a debt of gratitude to the vision, hard work, and sacrifice Dr. Fleming has made. That is why, with no reservation whatsoever, I am proud to endorse Dr. Fleming for the position of Assistant Secretary of Commerce for Economic Development.

Sincerely,



Craig C. Spohn
President, Cyber Innovation Center